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THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

Volume VI, 1931

*(23rd September to 3rd October, 1931)*

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SECOND SESSION  
OF THE  
FOURTH LEGISLATIVE ASSEMBLY  
1931



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## LEGISLATIVE ASSEMBLY.

*Wednesday, 23rd September, 1931.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### REPRESENTATION OF THE INDIAN CHAMBER OF COMMERCE AT THE ROUND TABLE CONFERENCE.

748. \***Rai Bahadur Sukhraj Rai** : (a) Will Government be pleased to state whether it is a fact that there was an understanding with the Indian Chamber of Commerce by the Government that three representatives would be invited from it to the Round Table Conference ?

(b) If so why was only one representative invited to the Conference ?

(c) Has that representative refused to attend the Conference unless all the three are invited to attend ?

(d) What correspondence passed between the India Government and the British Government on the subject of representation of the Chamber ? Are Government prepared to disclose it to the public ?

(e) Are Government aware that Mr. G. D. Birla, one of the proposed representatives, has already sailed for England with Mahatma Gandhi ? Are Government going to invite him to attend the Conference ?

(f) Is the question of inviting three representatives still under consideration or has the matter been closed ?

(g) Are Government in a position to state whether the failure of the Government to invite three representatives was due to the pressure from British merchants and commercial interests ?

(h) Did Government ask Sir Purshotamdass Thakurdass to re-consider his decision not to attend the Conference in view of the Congress decision to participate in the Conference ? If not, why not ?

**The Honourable Sir George Rainy** : (a) to (h). As I have already stated in reply to previous questions on the subject, the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I am therefore unable to make any statement on the subject.

#### PASSAGES OF ROUND TABLE CONFERENCE DELEGATES, ETC.

749. \***Rai Bahadur Sukhraj Rai** : Will Government be pleased to state :

(a) the names of the delegates to the Round Table Conference who have gone to England to attend the Conference at their own expense and have not charged anything from Government including the booking of passages ;

- (b) the names of the delegates to the Conference who have travelled in the lowest class on the steamer ;
- (c) if it is proposed to hold the Federal Structure Committee in abeyance till the arrival of the Congress delegation in London ;
- (d) when the proceedings of the Conference are expected to be concluded ; and
- (e) if there is any proposal for holding a third Round Table Conference in India before the new constitution is introduced ?

**The Honourable Sir George Rainy :** (a) and (b). The British India delegates proceeding from India to the Conference have been supplied with passage certificates entitling them to 1st class passages at Government expense. Government have no information as to what delegates, if any, have declined to avail themselves of this facility or of any of the other facilities offered them by Government.

(c) The Congress delegation has already arrived in London.

(d) I have no material for an estimate.

(e) No, Sir.

#### REDUCTION OF THE EXCHANGE RATE TO 1s. 4d.

**750. \*Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state if there is any truth in the rumour that Government is proposing to change the ratio of exchange from 1s. 6d. to 1s. 4d. in the near future ?

(b) Was the Agent of the Imperial Bank of India recently called by Government to discuss this matter at Simla ?

(c) If so, what has been the result of this discussion and whether the proposal has been approved or not ?

(d) What will be the approximate amount of savings to India in Home charges, if the ratio be reduced to 1s. 4d. from 1s. 6d. ?

(e) Will Government please state their whole policy on this matter and remove the doubts and uncertainties that are prevalent at present regarding the ratio question ?

**The Honourable Sir George Schuster :** (a) No.

(b) No.

(c) Does not arise.

(d) There would be no savings but, on the contrary, a very substantial increase in rupee expenditure. I would refer the Honourable Member to part (b) of my reply to starred question No. 98, given in the Assembly on the 9th September, 1931, in which I pointed this out.

(e) I would refer the Honourable Member to my answer to part (a) of this question.

#### ALLOTMENT OF FUNDS BY THE ROAD COMMITTEE FOR THE IMPROVEMENT OF ROADS IN THE BHAGALPUR DISTRICT.

**751. \*Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state what is the constitution of the Road Committee recently formed ? Who are the members of the Committee from Bihar and Orissa ?

(b) What is the total income at the disposal of the Road Committee and what are the chief sources of such income ?

(c) What is the income from Bihar and Orissa and from Bhagalpur District ?

(d) What sums have been allotted to Bihar and Orissa and to Bhagalpur District ? Are the sums allotted in proportion to their income ? If not, why not ?

**Mr. J. A. Shillidy :** (a) The Honourable Member is referred to clause (6) of the Resolution on road development adopted by the Legislative Assembly on the 4th February, 1930.

According to the terms of the Resolution, the members of the Committee are not elected by provinces and it so happens that the Committee constituted for the year 1931-32 does not include any member from Bihar and Orissa.

(b) The total amount credited to the Road Development Account up to the end of the last financial year is Rs. 2,00,41,090.

The income is derived from the share (2 annas per gallon) of the import and excise duties on motor spirit.

(c) Final figures are not available, but the income from motor spirit consumed in Bihar and Orissa up to the end of the last financial year was very roughly Rs. 6½ lakhs. Government have no information as to the income from the Bhagalpur District.

(d) Rs. 4.3 lakhs have already been allotted to Bihar and Orissa and a further sum of approximately Rs. 1.5 lakhs remains to be allotted in respect of the revenue up to the end of the last financial year. The Honourable Member is referred to clause (3) of the Resolution to which I have referred for an explanation of the method on which the annual grant is divided. No separate allocation is made by districts.

#### EXPERT INQUIRIES CARRIED OUT IN INDIA FOR THE ROUND TABLE CONFERENCE.

752. **\*Lala Hari Raj Swarup :** (a) What are the expert enquiries which the various Sub-Committees of the Round Table Conference recommended to be carried out in India ?

(b) How many expert committees did Government appoint in India ?

(c) How many of them have reported ?

(d) How many of these reports have been published ?

**The Honourable Sir George Rainy :** (a) I would refer the Honourable Member to the Press communiqué of the 13th June, 1931, issued by the Government of India of which I lay a copy on the table.

(b) The Government of India with the approval of the Secretary of State have so far appointed (1) the North-West Frontier Province Subjects Committee, (2) the Indian Sandhurst Committee and (3) the Sind Financial Enquiry Committee.

(c) The North-West Frontier Province Subjects Committee and the Indian Sandhurst Committee have submitted their reports.

(d) The report of the North-West Frontier Province Subjects Committee has been published and copies have been supplied to the members of the Indian Legislature.

*Press Communiqué.*

With the recent announcement of the date for the re-assembly in London of the Federal Structure Committee, the public may be interested to learn how matters stand with regard to the preparation of constitutional material.

2. The next stages of constitutional work, including the interval until the Round Table discussions are resumed, are governed by the Prime Minister's observations made in the course of his speech on the 19th January to the final plenary session of the Conference. According to these observations the scope of work to be undertaken by the Government of India has necessarily been limited to the initiation of expert enquiry and investigation into certain subjects. The following statement describes action taken upon the specific recommendations of the Round Table Conference and indicates the progress made.

3. The North-West Frontier Province Sub-Committee of the Round Table Conference observed in paragraph 5 of their Report that the precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. In paragraph 8 of their Report the Sub-Committee suggested that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. By a resolution, dated the 2nd May, the Government of India set up a single mixed committee of officials and non-officials to investigate both these matters. The report of the committee is expected to be ready about the middle of June.

4. In the concluding paragraph of their report the Sind Sub-Committee recommended that 'an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable'. The Government of India hope very shortly to be in a position to announce the setting up of this committee. The committee will in no way be concerned with the merits of the separation of Sind. Its task will be strictly limited to an unbiassed expert investigation of the financial aspects of separation. The committee will not be required even to report how any deficit should be met. In the words of the Sind Sub-Committee's Report, "if the investigation shows that separation would leave the new province with a deficit, the Sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new province is set up".

5. Unlike, Sind, Orissa was not made the subject of separate investigation by a Sub-Committee of the Round Table Conference. The proceedings of the Conference contain no specific approval of Oriya claims, nor were directions given for their examination by committee or otherwise. At the same time the Orissa case was not overlooked. By the special permission of the Prime Minister the Raja of Parikimedi, who had already supplied the Conference with a memorandum of Oriya claims, was given an opportunity to speak on the subject when the whole Conference was in committee on the Sind Report and was supported by other delegates who followed him. Though the claims of the Oriyas were not expressly endorsed, and cannot be said even to have been discussed or debated, no delegate spoke against them. In these circumstances the Government of India, with the approval of the Secretary of State, have decided to set up with the least possible delay a committee to examine the whole question of the separation of Orissa. They are at present in communication with the Local Governments concerned regarding the terms of reference, personnel, and other matters relevant to the appointment of the committee, and hope that it may be possible for the committee to start work at an early date.

6. Sub-Committee No. VI (Franchise) recommended the appointment of an expert Franchise Commission. There are, however, obvious obstacles in the way of its immediate appointment. Political considerations will enter largely into its work. It would no doubt desire to have a clearer indication of the probable nature and method of return of the Federal Legislature; and both as regards the federal and provincial legislatures it is clearly desirable that such matters as the arrangement of constituencies should be dealt with by the same body as is concerned with the franchise. In accordance

with what is understood to be a view held widely both inside and outside the Conference, the Secretary of State has agreed that it would be useless for the franchise enquiry to be initiated at present before a communal settlement has been reached. These considerations point to a postponement of the enquiry at least till the autumn. The present intention is that the enquiry, when taken up, will be initiated by His Majesty's Government; and it is anticipated that probably not less than six months will be required for the committee to complete its work.

7. In paragraph 19 of their second report the Federal Structure Sub-Committee took note of the proposal that a Statutory Railway Authority should be established, and were of opinion that this should be done, if after expert examination this course seemed desirable. Arrangements are being made to ensure that a full memorandum on the issues which have to be considered and on the experience of other countries prepared by experts shall be available to the Federal Structure Sub-Committee when it re-assembles.

8. The appointment of an Indian Sandhurst Committee in accordance with the recommendation in paragraph 4 of the Defence Sub-Committee's Report has been announced and the Committee is at work. The other matters covered by the Report of that Sub-Committee are being examined.

9. In this way the Government of India have planned to cover the ground mapped out by the Round Table Conference for intermediate expert exploration pending the resumption of the Conference negotiations. In addition, however, to these definite directions the Round Table Conference in various places, in their reports used expressions indicating that they would welcome expert administrative examination of incidental points. The most important of those related to the classification of subjects as federal, central and provincial in the two reports of the Federal Structure Sub-Committee. As soon as papers became available all departments of the Government of India undertook a scrutiny of the administrative, not the political, aspects of the classification of subjects provisionally approved by the Federal Structure Sub-Committee. It is expected that this work will be completed by the end of the current month.

10. It has also appeared to the Government of India that the Round Table Conference in its further discussions will require statistical material regarding financial matters generally. It is for obvious reasons essential that reliable enough material should be prepared beforehand to make it possible for the Conference to visualise the financial implications of a Federal constitution and to form some estimate as to how a Federal budget could be prepared, for it is only with reliable data of this kind before it that the Conference can reach conclusions as to the practical form which a Federal constitution could take, and as to the relations between the Federation and its constituent units. This objective examination of the position the Conference on the last occasion was unable to attempt even quite provisionally partly from lack of time, but also from lack of the special material needed. In particular the revenue prospects, which have undergone profound change since Sir Walter Layton drew his picture, will require careful examination.

11. These financial materials together with the material collected on the classification of subjects will be available if the Round Table Conference at its next session should require to make use of them. They will also enable the Government of India, if so required, to supply facts and explanations in order to assist any intermediate preparations which interests represented at the forthcoming Round Table Conference may undertake.

REFORMS OFFICE.

(Sd.) W. H. LEWIS,

Simla, the 13th June, 1931.

Joint Secretary to the Government of India.

# BRITISH AND INDIAN TROOPS AND OFFICERS IN THE INDIAN ARMY.

753. \*Lala Hari Raj Swarup : Will the Government be pleased to state :

(a) what is the total strength of Indian troops and British troops respectively in Indian Army at present ;

- (b) what is the total number of Commissioned Officers in all Arms of Indian troops in the Indian Army and how many of them are Indians ;
- (c) what is the total number of Commissioned Officers in the British troops of the Indian Army, and how many of them are Indians ;
- (d) what is the total annual wastage in the officer ranks under part (b) ;
- (e) what is the total annual wastage in the officer ranks under part (c) ?

**Mr. G. M. Young :** (a) The strength of units of the Indian Army is about 154,350 and that of units of the British Service on the Indian Establishment about 64,700.

(b) There are 1,734 British and 114 Indian officers holding the King's Commission and 2,829 Indian officers holding the Viceroy's Commission in the Cavalry, Infantry and Pioneer units of the Indian Army.

(c) 2,219 British officers holding the King's Commission and 445 Indian officers holding the Viceroy's Commission are employed in units of the British Service on the Indian Establishment.

(d) In the cadre of King's Commissioned officers of the Indian Army the annual wastage is about 120.

(e) The number of British Service officers who leave India on retirement or on completion of their tour of duty varies from year to year. Replacements are made from the United Kingdom as casualties occur.

#### REPORT OF THE COMMITTEE APPOINTED ON THE RECOMMENDATION OF THE DEFENCE SUB-COMMITTEE OF THE ROUND TABLE CONFERENCE.

**754. \*Lala Hari Raj Swarup :** (a) Has the Committee appointed in pursuance of the recommendations of the Defence Sub-Committee of the Round Table Conference submitted its Report ?

(b) Is it a unanimous report ?

(c) Has the report been released for publication, and if not, why not ?

(d) When do Government propose to publish this Report ?

**Mr. G. M. Young :** The Honourable Member is referred to the reply given to Mr. Jog's starred question No. 598.

#### REPORTS OF COMMITTEES ON THE INDIANISATION OF THE ARMY IN INDIA.

**755. \*Lala Hari Raj Swarup :** (a) Is it a fact that in Lord Reading's time two Committees were appointed by the Government of India, one to go into the question of Indianisation and the other into the question of gradual replacement of British troops by Indian troops ?

(b) Why have these Reports not been published up to this time ?

(c) Has a reference been made to these schemes in the Report of the Defence Sub-Committee of the 1st Indian Round Table Conference ? If so, are Government prepared to publish these reports forthwith ? If not, why not ?

**Mr. G. M. Young :** (a) Yes, except that the committee on Indianization was appointed by the Commander-in-Chief.

(b) and (c). A summary of a scheme of Indianization prepared in 1921-22 by a committee of military officers appointed by the Commander-in-Chief was given to the Defence Sub-Committee of the Round Table Conference in January, and laid on the table of this House on the 17th February last.

The reasons for not publishing the Report of the Indian Military Requirements Committee are that it contains much secret matter, and that the Committee themselves, in presenting it, made a strong and unanimous recommendation that its contents should in no circumstances ever be made public.

#### ACUTE AGRARIAN SITUATION IN THE UNITED PROVINCES.

**756. \*Lala Hari Raj Swarup :** (a) Are the Government aware that the agrarian situation in the United Provinces of Agra and Oudh is very acute and alarming ?

(b) Have the Government of India given any directions and suggestions to the Local Government concerned for dealing with the situation ?

(c) Will Government be pleased to lay on the table the correspondence that has passed between them and the United Provinces Government in this matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) The Local Government is fully cognisant of the gravity of the situation, and the Honourable Member's attention is invited to His Excellency Sir Malcolm Hailey's address to the Legislative Council of the United Provinces on the 20th July, 1931, which has been widely published. A statement was also made in this House on the 10th September, 1931, during the course of the debate on the resolution bearing on this subject.

(b) No.

(c) Does not arise.

#### REVISION OF THE COURT FEES ACT.

**757. \*Pandit Ram Krishna Jha :** (a) Are Government aware that the Court-fee Act VII of 1870 has been in existence for over half a century and almost all the High Courts have from time to time pointed out the defects in the framing and the policy of the Act ?

(b) Are Government aware that there have been a large number of amendments and repeals since then and various local Acts have been passed prescribing different scales of fees in different provinces ?

(c) Are the Government aware that several of the High Courts in India have from time to time in their decisions pointed out that a new Court-fees Act should be enacted in the light of the experience gained by the working of this fiscal enactment for the past several decades ?

(d) Is it a fact that even after the Devolution Act (Act XXXVIII of 1920) in the year 1923, the Government of India addressed the local Governments calling from them suggestions with a view to revise the Court Fees Act of 1870 and to bring it up to date, with due regard to the



other connected enactments, as also perhaps to provide one uniform law of court-fees for the whole of British India ?

(e) Is it a fact that a new Court-fees Bill in the light of the suggestions made by the local Governments, was actually drafted for enactment ? If so, do Government intend to proceed with the Bill ? If so, when ? If not, why not ?

**The Honourable Sir James Crerar :** (a) Government are aware that the Court-fees Act passed in 1870 has since undergone, as was natural, various amendments to meet defects brought to notice from time to time.

(b) In 1922 and 1923 several Local Governments, acting under the powers conferred by the Devolution Rules, which made " Judicial Stamps " a provincial reserved subject, amended the schedules to the Act and certain provisions therein, in order to raise additional revenue.

(c) I am not aware what particular decisions of the High Courts the Honourable Member has in mind.

(d) and (e). It is a fact that in 1923 Local Governments were consulted on the desirability of amending some of the general provisions of the Act, in view of the conflicting judicial opinions and practical administrative difficulties which had been brought to notice. A Bill to amend the Court-fees Act was introduced in the Assembly in March 1924 and was referred to a Select Committee, but before the next stage could be reached the Report of the Taxation Inquiry Committee was published. This Committee made several recommendations which impinged on the Court-fees Act and the Bill as it emerged from the Select Committee. The Bill was accordingly further examined with reference to these recommendations and the Government of India finally decided that the amendments embodied in the Bill were not urgently necessary and that the question of its re-introduction should await the impending revision of the constitution.

#### EXCESSIVE COURT FEES PRESCRIBED BY LOCAL GOVERNMENTS.

758. \***Pandit Ram Krishna Jha :** Are Government aware that the court-fees prescribed by several Local Governments (i.e., Bihar and Orissa Act II of 1922) are much in excess of those prescribed by Act VII of 1870, and are causing great hardship ?

**The Honourable Sir James Crerar :** With your permission, Sir, I propose to answer questions Nos. 758, 759 and 760 together.

Under the Devolution Rules " Judicial Stamps " is a provincial subject only subject to legislation by the Indian Legislature as regards the amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction. As I have explained in my reply to the Honourable Member's previous question, certain Local Legislatures have passed Acts amending the Schedules to the Court-fees Act, 1870, to raise additional revenue, and certain provisions of the Act itself, to suit local requirements. I am not aware of the fact mentioned in question No. 760

**COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.**

†759. \***Pandit Ram Krishna Jha** : Are Government aware that some of the Local Council Acts (i.e., Bihar and Orissa Act II of 1922) have not only increased the fees to a great extent but have prescribed no maximum amount or put any limit as to amount payable, as some other Local Council Acts (i.e., Bengal Act IV of 1922) have done ?

**COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.**

†760. \***Pandit Ram Krishna Jha** : Are Government aware that in some cases litigants of one province, where no maximum fee has been prescribed, have been forced to file suits in another province where such maximum fee has been prescribed ?

**ENACTMENT OF A UNIFORM COURT FEES ACT FOR THE WHOLE OF INDIA.**

761. \***Pandit Ram Krishna Jha** : (a) Are Government prepared to take up at an early date the necessary legislation for providing one uniform scale of court fees for the whole of India, as was the case, before the Devolution Act (Act XXXVIII of 1920) ?

(b) If the answer to (a) be in the negative, do Government propose to consider the advisability of repealing all the local Acts passed after the Devolution Act and of making the provision of Act VII of 1870, applicable to the whole of India, as one law on the subject ?

**The Honourable Sir James Crerar** : The decision which Government came to in this matter has been stated in reply to question No. 757. In view of the existing constitutional position, the Government of India regard it as impracticable or at any rate premature, to attempt to legislate for a uniform scale of court fees for the whole of India, and to repeal the Acts which have been passed by the local Legislatures.

**ADMISSION TO THE ARYA SAMAJ OF GOVERNMENT SERVANTS.**

762. \***Mr. Bhuput Singh** : With reference to Government's reply to Khan Bahadur Haji Wajih-ud-din's unstarred question No. 223, dated February 23, 1931 (communicated to the latter personally), regarding political bodies forbidden to Government servants, will Government be pleased to state, for the information of the House, whether Arya Samajes come under the category of political bodies ?

**The Honourable Sir James Crerar** : I have made inquiries from the Local Governments, the results of which will be communicated to the Honourable Member as soon as I receive their replies.

**FOREIGN COMPETITION WITH INDIAN HOSIERY FACTORIES.**

763. \***Mr. Bhuput Singh** : With reference to Government's reply to Lala Rameshwar Prasad Bagla's starred question No. 314, dated February 3, 1931, stating that Government have received representations containing statements to the effect that a number of Indian hosiery

†For answer to this question, see answer to question No. 758.

factories have recently been closed down owing to foreign competition, particularly that of Japan, and that the representations were under the consideration of Government, will Government be pleased to state, for the information of the House, what relief they propose to give to the industry and what action has been taken on the said representations ?

**The Honourable Sir George Rainy :** The representations were examined. It would be contrary to the established policy of Government to impose a protective duty on hosiery without a recommendation from the Tariff Board, or to refer the hosiery industry to the Tariff Board for examination unless the industry were first able to offer satisfactory *prima facie* evidence for believing that it could establish a case for protection, having regard to the principles laid down by the Fiscal Commission. No such evidence has been placed before Government.

#### APPOINTMENT OF INDIANS IN THE CARRIAGE AND WAGON SHOPS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY, AJMER.

**764. \*Mr. Bhuput Sing :** Will Government be pleased to place on the table, for the information of the House, the particulars asked for in parts (b) and (c) of unstarred question 165, by Mr. Gaya Prasad Singh, on February 2nd, 1931, regarding appointment of Indians in the Carriage and Wagon Shops of the Bombay, Baroda and Central India Railway at Ajmer ?

**Mr. A. A. L. Parsons :** I am having a copy of the reply sent to Mr. Gaya Prasad Singh sent to the Honourable Member. A copy is already in the Library.

#### ADVERTISEMENT OF INDIAN RAILWAYS BY PUBLICITY OFFICERS ABROAD.

**765. \*Mr. Bhuput Sing :** With reference to Government's reply to my starred question No. 442, dated February 11, 1931, regarding Publicity Officers for Indian Railways in England and America, will Government be pleased to state, for the information of the House :

- (a) whether the Publicity Officers for Indian Railways in London and New York, or in other parts of the world (if one has since been appointed in addition) issue posters and other advertisement literature to advertise the interests of the Indian Railways in their respective territories, or simply make use of the posters and literature supplied to them by the Central Publicity Bureau of the Government of India Railway Board ;
- (b) if former be the case, whether a statement will be laid on the table giving the details of such publications and the cost incurred therefor in 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, 1930-31 ;
- (c) whether the said officers also advertise in papers and journals in their respective territories ; if so, what has been the cost therefor during 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, and 1930-31 ;
- (d) if answer to the first portion of part (a) be in the negative, viz., if it be the case that posters, pamphlets, brochures, and other advertisement literature are supplied to them by

the Government of India Railway Board's Central Publicity Bureau, what fraction of the copies printed are given for distribution :

- (1) to the officers in England,
- (2) to the officer in America, and
- (3) retained for distribution or display in India ;

[The actual numbers so distributed may be illustrated by citing figures in respect of the following posters and publications :

Pamphlets :—Big Game Shooting ; Gaur ; Ajanta ; Ootacamund.

Posters :

Fatehpur Sikri, by Miss Newsome.

Darjeeling (Lama Design), by Mr. Veevers.

Benares, by Mr. Bagdatopolus.

Kashmir (" Lucky Dogs " design), by Mr. Taite.]

- (e) whether the advertisements of the Indian Railways are displayed in Tasmania ;
- (f) what office, London or New York, conducts this advertising ;
- (g) whether any advertisements of Indian Railways are displayed in any of the States of Australia ; if so, what office, London or New York, conducts advertising in that area ; and
- (h) whether Government are contemplating to open similar offices in other territories ; if so, where ?

**Mr. A. A. L. Parsons :** I regret that I cannot undertake to impose on the Central Publicity Office the very laborious task of compiling all the information for which the Honourable Member asks. I am, however, asking him to let me know the replies to parts (a), (e), (f) and (g) of the question and also to part (d) if the figures are available, but not for the distribution of individual posters. If possible, I will also obtain for the Honourable Member the cost of posters and other advertising literature issued by the Publicity Offices in London and New York since they were opened. The reply to the first part of (h) of the question is in the negative ; the second part does not arise.

#### RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

**766. \*Rao Bahadur M. C. Rajah :** (a) What steps have Government taken to safeguard the interests of the residents of Delhi Province as regards recruitment to various services in the Punjab ?

(b) Has any quota been fixed for the Delhi Province in this connection ? If not, why not ?

**The Honourable Sir James Crerar :** (a) and (b). Recruitment to their services is entirely a matter for Local Governments, and no steps have been taken by the Government of India to interfere with their discretion in this matter. It has been ascertained from the Punjab Government that in the Ambala Division two out of twelve Sub-Inspectorships of Excise are reserved for residents of Delhi Province. For other services, with the

exception of the Punjab Forest Service, Delhi candidates are considered but take their chance *pari passu* with Punjab candidates.

#### RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

767. \***Rao Bahadur M. C. Rajah** : Will Government please state how many residents of Delhi Province have been recruited to the following services in the Punjab since the formation of the Delhi Province :

- (a) Punjab Provincial Service (Executive and Judicial) ;
- (b) Imperial Police Service and Inspectors and Sub-Inspectors of Police ;
- (c) Indian and Provincial Educational Service ;
- (d) Tehsildar and Naib Tehsildar ; and
- (e) Officer and Assistant Officer, Income-tax ?

**The Honourable Sir James Crerar** : The information is not readily available and cannot be collected without an amount of labour which would, I think, be disproportionate to the results.

#### COLLIERIES OWNED BY GOVERNMENT IN BENGAL, BIHAR AND THE CENTRAL PROVINCES.

768. \***Pandit Satyendra Nath Sen** : Will Government please state :

- (a) what is the number of collieries owned by Government in Bengal, Bihar and Central Provinces ;
- (b) what is the approximate average cost of working the collieries per 1,000 acres ;
- (c) what is the number of collieries which have stopped working ;
- (d) how many of these collieries are being worked by Government ;
- (e) how many contracts have been granted to Bengalis, how many to Punjabis and how many to other Indians and Anglo-Indians ;
- (f) whether the supply from these collieries is sufficient to meet the demands of Government ;
- (g) if not, do Government contemplate acquiring further collieries to meet their own demands ;
- (h) what is the approximate amount involved in contracts of supply from private or company-owned collieries ; and
- (i) what amount of these contracts was given to European concerns and how many to Indians ?

**Mr. A. A. L. Parsons** : The information asked for is being obtained from the Chief Mining Engineer, Railway Board, Calcutta, and will be supplied to the Honourable Member on receipt.

#### HINDU AND SIKH POPULATIONS IN BENGAL AND THE PUNJAB.

769. \***Sir Hari Singh Gour** (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government please state the number of the Hindu

population (male and female) in Bengal and the Punjab according to the last Census and also of the Sikh population in the Punjab ?

**The Honourable Sir James Crerar :** I lay a statement on the table.

*Statement.*

The figures asked for are as follows :

				Males.	Females.	Total.
<i>Hindus—</i>						
Bengal	..	..	..	11,282,533	10,255,388	21,537,921
Punjab	..	..	..	3,465,534	2,863,054	6,328,588
<i>Sikhs—</i>						
Punjab	..	..	..	1,703,584	1,360,560	3,064,144

COMMUNAL PROPAGANDA BY GOVERNMENT OFFICIALS.

770. **\*Mr. A. Hoon :** (a) Are Government aware of the fact that a very large number of the public declare that certain Government officials holding very high positions openly carry on communal propaganda for the community to which they belong ?

(b) If the answer to part (a) is in the affirmative, will Government please explain what action they propose to take against them ? If Government do not propose to take any action against them, will they state why ?

**The Honourable Sir James Crerar :** (a) and (b). The question is expressed in such general terms as to make it difficult to give a reply. The second part of the question may relate to action against members of the public or against Government officials. In either case the Honourable Member will doubtless realise that action must depend on the particular facts.

ESTABLISHMENT OF AN INTERNATIONAL AGRICULTURAL CREDIT COMPANY.

771. **\*Lala Rameshwar Prasad Bagla :** (a) Will Government be pleased to state if any correspondence has been exchanged between them and the League of Nations regarding the establishment of an International Agricultural Credit Company ?

(b) If so, will they be pleased to place a copy of the same on the table ?

(c) Will Government please state if they have signed the requisite Convention ? If not, why not ?

(d) Are Government aware that Great Britain, a non-agricultural country, has long ago accepted the scheme and signed the Convention ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) No such correspondence has passed.

(b) Does not arise.

(c) The Convention of the International Agricultural Mortgage Credit Company is not at present open to signature by Governments of non-European States.

(d) So far as Government are aware, Great Britain has not signed the Convention.

## DEVELOPMENT OF INDIAN INDUSTRIES FOR THE CHINESE MARKET.

772. \***Lala Rameshwar Prasad Bagla** : (a) Has the attention of Government been drawn to a letter published in the *Leader* of the 30th August, 1931, under the caption of "Chinese Market and Indian Industries" ?

(b) If the facts stated therein are true, will Government please state if they intend to take advantage of the situation, which has arisen in China, for the development of Indian industries ? Will Government please state their reasons for their reply ?

**The Honourable Sir George Rainy** : (a) Yes.

(b) The Government of India have no information regarding the conditions alleged in the letter to exist in China. The latter part of the question, therefore, does not arise.

## PROTECTION OF THE INDIAN HOSIERY INDUSTRY FROM JAPANESE COMPETITION.

773. \***Lala Rameshwar Prasad Bagla** : (a) Will Government please state what steps, if any, they have taken during the current year for the protection of the hosiery industry in India from menace from Japan ? Are they aware that Japan has been continually flooding the Indian markets with its cheap products ?

(b) If no action has been taken so far, will Government please state the reasons ?

**The Honourable Sir George Rainy** : I would refer the Honourable Member to my answer to Mr. Bhuput Singh's starred question No. 763.

## INTERPRETATION OF THE WORDING OF TREASURY BILLS.

774. \***Lala Rameshwar Prasad Bagla** : (a) Will Government be pleased to submit to the House the interpretation which they would put on the wordings of the Treasury Bill ?

(b) Will Government please state whether by "the revenues of the Government of India", they mean only that income which Government earn from land revenue or the total income of the Government from all sources ?

**The Honourable Sir George Schuster** : (a) The wording of a Treasury Bill clearly means that the holder is entitled to demand payment on due date from the revenues of Government credited to the general balances of Government.

(b) Treasury Bills, like other borrowings of the Government of India, are a charge on all the revenues of Government, that is to say, the receipts from all sources and not on land revenue only.

## STERLING LOANS OF THE GOVERNMENT OF INDIA.

775. \***Lala Rameshwar Prasad Bagla** : (a) Does the Honourable the Finance Member remember the assurance given by him to the House while introducing the Budget on the 28th February, 1931, that "No further sterling loans will be required" ?

(b) If so, will Government be pleased to state why, contrary to that undertaking, Government raised a further loan of £10,000,000 at such a high rate of interest ?

(c) Are Government aware that the issue of that loan, at the top of the heavy borrowings of last year has considerably affected the financial credit of India in the world market ?

(d) Are Government prepared to assure the House that in future they would sound the Members of the House before raising a loan, particularly when issuing it outside the country ?

(e) If the reply to part (d) be in the negative, is the House to understand that Government are intent upon pursuing a borrowing policy despite all protests from the public ?

**The Honourable Sir George Schuster :** (a) and (b). The Honourable Member has not quoted the whole of my statement. What I said was "Given normal conditions as regards borrowing and remittance from India, no further sterling loans will be required. But this, of course, will be dependent on the conditions to which I have referred." The Honourable Member will, I think, agree that conditions since I made this statement have been far from normal.

(c) This is a matter of opinion about which Government are not prepared to make any statement.

(d) and (e). The raising of loans is a function of the executive and it would be quite impossible to sound the Members of this House before raising loans. The Government are fully aware of the general feeling in the country that external borrowing should be restricted, and it is in fact the Government's present policy to restrict such borrowing to the minimum which is absolutely necessary.

#### APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

776 \***Lala Rameshwar Prasad Bagla :** (a) Will Government be pleased to place on the table a statement containing the names of the Indian Trade Commissioners appointed as a result of the recommendations made by the Indian Trade Mission regarding market for the Indian cotton goods in the Near East, etc. ?

(b) Are Government prepared to give an assurance to the House that in the course of one year from date, Indian Trade Commissioners will be appointed in all the countries which afford probable markets for the Indian manufactures ?

**The Honourable Sir George Rainy :** (a) No appointment of Indian Trade Commissioner has yet been made at any of the centres recommended by the Indian Trade Mission.

(b) As progress even with the recently sanctioned scheme for the appointment of six Indian Trade Commissioners abroad has been delayed by the existing financial stringency, the Government of India are unable to give the assurance desired by the Honourable Member.

#### LEAVE RESERVE AND OFFICIATING PROMOTION IN THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

777. \***Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) :  
(a) Is it a fact that in the Headquarters Office, North Western Railway,



no leave reserve is being provided for the clerical establishment while the officers and the Divisional clerical staff have got such facilities? If so, will Government please explain the reason for doing so?

(b) Will Government state the reasons for stopping the practice of engaging substitutes in the cases of privilege and medical leave?

(c) Is it the intention of the Railway Administration to debar the members of the Headquarters Office only from the privilege of officiating promotions?

**Mr. A. A. L. Parsons :** I have called for information and will communicate with the Honourable Member on its receipt.

#### PASSAGE ALLOWANCE FOR SUBORDINATES OF NON-ASIATIC DOMICILE.

778. **\*Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : Is it a fact that passage allowance for subordinates of non-Asiatic domicile in India was sanctioned recently? If so, will Government kindly state reasons for the step at a time of financial stringency like the present?

**The Honourable Sir James Crerar :** Orders were passed in 1930 giving to certain classes of non-Superior Officers of non-Asiatic domicile serving under the Central Government passage benefits on the lines of those granted to officers of non-Asiatic domicile in the Superior Services, but at lower rates. The orders, with a description of the classes to whom they apply, will be found in the Home Department Office Memorandum No. F. 10/4-30-Establishments, dated the 6th August, 1930, a copy of which has been placed in the Library. The scheme was sanctioned some time before the present financial position developed.

#### GRIEVANCES OF INDIANS ON STATE RAILWAYS.

779. **\*Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that a Special Officer of the Railway Board has been deputed to investigate the grievances of Muhammadans over the North Western Railway and other State Railways?

(b) If so, are Government prepared to appoint a similar officer to redress the grievances of Indians over the State Railways in different offices and out-door staff, i.e., Workshops, Loco. Shed, Train Examining Staff, Electricians, Engineering, Operating and Commercial Branches regarding recruitment, educational facilities and quarters and fix some percentage for Anglo-Indians and Europeans and also other communities?

**Mr. A. A. L. Parsons :** (a) Two officers have been placed on special duty to assist in the carrying out of the policy of Government with regard to the redress of communal inequalities in recruitment to the subordinate services on State-managed railways.

(b) The grievances of the staff generally, including Indians, on State railways in respect of recruitment, educational facilities and quarters receive the constant attention of the Railway Board and of Railway Administrations and Government do not think that it is necessary to appoint a special officer at present for the purpose.

With regard to the second part of the question, Government do not propose to fix a percentage for the representation of each community in the services.

**Mr. K. Ahmed :** What is the name of the other officer in addition to Mr. Hassan ?

**Mr. A. A. L. Parsons :** I am afraid I cannot at the moment recall his name, but he is a Sikh.

#### ORGANISATION OF THE INDIAN STATE AIR SERVICE.

**780. \*Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) :  
(a) Will Government be pleased to state if the State Air Service between Karachi and Delhi and Delhi and Calcutta will be inaugurated this year ; if so, when ?

(b) Will Government kindly inform the House of the steps taken to train Indians as pilot and ground engineers for manning the State Air Service when it is inaugurated ?

**Mr. J. A. Shillidy :** (a) and (b). I would invite the attention of the Honourable Member to the reply given in this House on the 7th September, 1931, to parts (a), (b) and (c) of starred question No. 33 by Mr. Gaya Prasad Singh.

#### EMPLOYMENT OF INDIANS TRAINED ABROAD IN CIVIL AVIATION.

**781. \*Mr. B. V. Jadhav** (on behalf of Mr. Jagan Nath Aggarwal) :  
(a) Are Government aware that a number of Indian youths are undergoing training in civil aviation in England and other European countries and some have recently returned to this country after completing their course of training ?

(b) Do Government propose to take steps to see that the services of these young men are properly utilised by the State or by Flying Clubs subsidized by the State ?

**Mr. J. A. Shillidy :** (a) Yes.

(b) It is not possible for Government to guarantee employment for Indians trained abroad in civil aviation. A certain number of qualified Indians, some of whom have been trained at Government expense, do at present hold appointments under Government and under certain of the Flying Clubs in India.

**Mr. Gaya Prasad Singh :** May I take it that the question of civil aviation will not be affected by the recommendations of the Retrenchment Committee ?

**Mr. J. A. Shillidy :** I think that is asking rather a big question.

#### ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

**782. \*Mr. B. N. Misra :** (a) Will Government please state what action do they take in respect of those quarters in Simla whose occupants are permanently located in New Delhi with their offices or transferred from Simla for a long period ?

(b) Is it a fact that Government allow such quarters to stand in the names of those who are detained in New Delhi or transferred and allow them to sub-let the quarters to other persons ?

(c) Do Government know that such persons do business and charge a very heavy sum as rent ?

(d) Do Government propose to cancel such allotment ? If not, why not ?

**Mr. J. A. Shillidy :** (a) and (b). The quarters referred to are allotted annually to Government employes who are compelled to reside on duty in Simla, and, in the event of any of the tenants of such quarters being located permanently in New Delhi, or transferred from Simla, subsequent to the allotment of the quarters, they are ordinarily allowed to sublet them with the permission of the Superintending Engineer concerned.

(c) No.

(d) Government contemplate the introduction of a rule in the next revision of rules for clerks' quarters in Simla which would give the tenants the option of having the allotment cancelled in such cases. It does not, however, seem desirable to make it compulsory for tenants to surrender the quarters as it is likely to operate harshly in some cases without any corresponding advantage to Government.

#### APPOINTMENTS IN THE SECRETARIAT AND ATTACHED OFFICES.

783. **\*Mr. B. N. Misra :** (a) Is it a fact that certain candidates who qualified for the Second Division of the Secretariat in 1926 are employed in the Lower Division of attached offices ?

(b) Is it a fact that the pay of the Lower Division of attached offices is equivalent to that of the Third Division of the Imperial Secretariat, i.e., Rs. 75—175 ?

(c) Is it a fact that the candidates who qualified for the Second Division in 1931 have been offered appointments in the Second Division of the Secretariat where the pay is Rs. 80—350 ?

(d) Is it a fact that the 1926 examination was strictly competitive like the one held in 1931 ?

(e) If so, was there any reason for appointing 1931 candidates to the Secretariat in preference to the 1926 candidates ; if there was any, what was that reason ?

(f) Is it a fact that some of the 1926 candidates are still serving in a temporary capacity whereas the 1931 candidates have been offered permanent appointments ?

(g) Is it a fact that although there is a provision for inter-departmental transfer, the Public Service Commission are not concerned with the matter and are Government aware that such transfer is almost impossible in view of the increased provision for promotion from one Division to another within the Department ?

(h) If so, are Government prepared to ask the Public Service Commission to maintain a list of these 1926 candidates and nominate them for future vacancies in the Second Division of the Secretariat ? If not, why not ?

**The Honourable Sir James Crerar :** (a) and (c). Yes.

(b) There is a distinct Third Division in the Secretariat and among attached offices in Army Headquarters only. The pay of both of these is Rs. 75—170. In other attached offices there is no distinct Second or

Third Division below assistants. Clerks in those offices draw Rs. 75—155, with a selection grade on Rs. 160—175.

(d) and (e). It was decided that as a matter of policy a reasonable proportion of vacancies should be thrown open to outside candidates in 1931 by competitive examination. These vacancies were filled by the 1931 candidates and were therefore not available for candidates who passed earlier examinations.

(f) Yes.

(g) Inter-departmental transfers, while not forbidden, are exceptional and not claimable as of right. The Public Service Commission are not concerned with them.

(h) The Public Service Commission maintain a list of 1926 candidates who have not secured permanent employment under Government, and Government have already issued orders to Departments that in making departmental appointments to permanent vacancies from among qualified men temporarily employed, those who qualified at the examination of 1926 should be given preference.

COMPLIMENTARY TICKETS ISSUED ON THE NORTH WESTERN RAILWAY.

784. **\*Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : (a) Is it a fact that several complimentary tickets were issued to members of a marriage party of a relation of a member of the Bengal and North Western Railway Enquiry Committee ?

(b) If so, will Government be pleased to state whether there is any rule governing the issue of complimentary tickets in Indian Railways ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to lay a copy of that rule on the table ?

**Mr. A. A. L. Parsons** : Government have no information. The issue of complimentary tickets or passes over the Bengal and North Western Railway is a matter entirely within the discretion of the Administration of that line.

(b) There is no rule governing the issue of complimentary tickets or passes.

(c) Does not arise.

APPOINTMENT OF A NEPHEW OF A MEMBER OF THE BENGAL AND NORTH WESTERN RAILWAY ENQUIRY COMMITTEE IN THE TRAFFIC SERVICE.

785. **\*Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state whether a nephew of a member of the Bengal and North Western Railway Enquiry Committee has been promised an appointment in the Traffic Service ? If so, will Government be pleased to state if there is any rule for recruitment in the Traffic Service and whether the vacancies are advertised ?

**Mr. A. A. L. Parsons** : Government have no information.

REPORT OF THE BENGAL AND NORTH WESTERN RAILWAY ENQUIRY COMMITTEE.

786. **\*Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state when the Report of the Bengal and North Western Railway Enquiry Committee will be published ?

**Mr. A. A. L. Parsons :** It was placed on the table on the 9th September.

**EXPENDITURE BY THE BENGAL AND NORTH WESTERN RAILWAY ON ITS ENQUIRY COMMITTEE.**

**787. Mr. Bhuput Sing** (on behalf of Mr. N. R. Gunjal) : Will Government be pleased to state if the Bengal and North-Western Railway spent any money for the Enquiry Committee ? If so, will Government be pleased to state the amount so spent and on what item ?

**Mr. A. A. L. Parsons :** No.

**REMOVAL OF TELEGRAPH WIRES FROM THE DEVLALI TO THE NASIK TELEGRAPH OFFICE.**

**788. \*Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) the reasons for the removal of the telegraph wires from Devlali Telegraph Office to Nasik Telegraph Office ;
- (b) the total cost incurred on account of removal of the wires and other connections from Devlali to Nasik ;
- (c) the Headquarters for the Sub-Divisional Engineering staff of the Telegraph branch supervising Nasik ;
- (d) whether Devlali is not nearer the railway station as compared with Nasik ; and
- (e) whether this change has necessitated the grant of increased travelling allowance for any officials of the Telegraph Branch on account of their visit to Nasik ?

**Sir Hubert Sams :** The information is being collected and will be supplied to the Honourable Member in due course.

**THE POSTWALA SYSTEM AT THE KALBADEVI POST OFFICE IN BOMBAY.**

**789. \*Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state in detail :

- (a) the Postwala System obtaining at the Kalbadevi Post Office in Bombay ;
- (b) whether it is a fact that Mr. Nowroji Postwala for whose benefit this system was permitted to be continued, has since died and that he has no direct descendants ;
- (c) whether on the death of Mr. Kazi, another Postwala of Mandvi Post Office in Bombay, the system at that office was abolished ;
- (d) what is the number of his constituents and the amount recovered by him from each of them for effecting delivery of their correspondence ;
- (e) whether the Postwala is himself a Post Box holder at Kalbadevi Post Office ;
- (f) whether it is a fact that his representatives have been allowed the use of the public hall on the first floor of the Kalbadevi

Post Office and, if so, what rent is recovered from him for such use ; and

- (g) whether it is the intention of Government to farm out work of this nature by contract and, if so, whether they are prepared to permit other agencies to do such work ?

**Sir Hubert Sams :** Information is being collected and will be furnished to the Honourable Member separately.

PLATFORM ATTENDANCE BY R. M. S. SORTERS.

790. **\*Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) whether the enquiry referred to in the reply to the unstarred question No. 306, put in by Mr. N. R. Gunjal on the 16th March, 1931, has since been completed and, if so, with what result ;
- (b) whether it has since been further decided that the platform attendance of the R. M. S. sorters should be completely ignored and the additional set in the R. M. S. Section withdrawn under certain circumstances and, if so, will Government be pleased to place on the table a copy of these orders ;
- (c) whether it is the intention of these orders that the platform attendance even to the extent of two hours which is largely in excess of the permissible time of 15 minutes, should neither be considered nor counted as duty ?

**Sir Hubert Sams :** (a) Yes ; the time spent in Record Offices has not been included for determining terms of duty in vans.

(b) The reply to the first part is in the negative. The second part does not arise.

(c) Platform attendance is counted unless it should have the effect of reducing the weekly working hours in the van below prescribed limits.

POWERS OF TOWN INSPECTORS OF POST OFFICES.

791. **\*Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) whether the examination of the question of giving powers to the Town Inspectors of Post Offices attached to the First Class Head Offices has been completed and, if so, with what result ;
- (b) whether it is a fact that the Town Inspectors at the Presidency Towns of Madras and Calcutta, do exercise the powers of appointment, etc., of postmen and inferior servants and whether any administrative difficulty is experienced at those Presidency Towns ;
- (c) whether the delegation of these powers in Bombay would reduce considerably the work of the City Superintendents attached to Bombay General Post Office ;

- (d) whether the inspection of First and Second Class Offices was carried on by the Town Inspectors even when these posts carried time-scale of pay ; and
- (e) whether Government have explored the possibility of reducing one post of the City Superintendent by again delegating the work referred to in part (d) to the Town Inspectors ?

**Sir Hubert Sams :** (a) to (c). The subject is still under examination.

(d) and (e). An inquiry will be made.

#### RENT AND PURCHASE PRICE OF "THAKERSEY HOUSE" AND "IRWIN HOUSE" IN BOMBAY.

**792. \*Mr. Bhuput Sing** (on behalf of Mr. S. G. Jog) : Will Government be pleased to state :

- (a) the amount of rent paid by the Post Office for the occupation of the Thakersey House in Bombay, per month inclusive of all municipal and other taxes ;
- (b) the total amount paid for the purchase of Irwin House in Bombay for the Post Office including the commission of the House Agent ;
- (c) the ground rent paid per month to the Bombay Port Trust ;
- (d) the average monthly amount demanded by the Bombay Municipality by way of house and other taxes ;
- (e) the amount required to be spent per month for the purchase of disinfectants and the supervisory charges required to be paid to the Bombay Municipality or otherwise ;
- (f) the total expenditure so far incurred on the repairs to the Irwin House after its purchase and the recurring expenditure required annually for its repairs ;
- (g) the annual depreciation value of the building ; and
- (h) the total monthly expenditure on account of all items mentioned in parts (c), (d) and (e) including the average monthly interest on the purchase price ?

**Sir Hubert Sams :** (a) to (h). Information is being compiled and be furnished to the Honourable Member separately.

#### PROTECTION FOR THE SUGAR INDUSTRY.

**796. \*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

- (a) whether they are aware of the recommendations made by the Indian Tariff Board in February last in connection with protection to the sugar industry in India ; and if so,
- (b) whether a bill in respect thereof is expected to come before the Assembly during the ensuing session ;
- (c) if answer to (b) above is in the negative, when the bill should be expected to be introduced in the Assembly ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Government do not propose to introduce a Bill during the current session.

(c) The matter is under consideration.

AGE LIMIT FOR THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA AND IN ENGLAND.

**794. \*Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that the age limit for the Indian Civil Service examination in India is twenty-three while the age limit in England is twenty-four years ?

(b) Are Government aware that an Indian student has to prepare all his subjects in a foreign language while an English student in his own mother-language ?

(c) If so, will they be pleased to explain the reasons why this distinction in age is allowed ?

**The Honourable Sir James Crerar :** (a) Yes ; but as age in the case of the Indian examination is reckoned with reference to the 1st January, while in the case of the London examination it is reckoned with reference to the 1st August, the distinction is not as great as would at first sight appear.

(b) The language of instruction in both cases is English.

(c) The reasons for the distinction are, first that it is considered desirable that all members of the Service should take up their duties before attaining the age of 26, and secondly, that it is considered desirable that those recruited in India should have the advantage of two years' training in England.

AUXILIARY LANGUAGE REQUIRED FOR THE I. C. S. EXAMINATION.

**795. \*Kunwar Hajee Ismail Ali Khan :** (a) Do Government know that a student is not allowed to take an Indian language as an auxiliary language for his I. C. S. examination in England while he is allowed to take any of the European languages besides English ? If so, why ?

(b) Do Government know that it causes a great hardship on the Indian students, who have to compete with English students in the English language ?

(c) Do Government propose to remove this grievance in the next I. C. S. examination to be held in London ?

**The Honourable Sir James Crerar :** (a) Yes. A European candidate is compelled to take a language other than his mother-tongue. There would be practical difficulties in ascertaining which was the mother-tongue for an Indian candidate and also in finding examiners in London in the many languages which are mother-tongues in India. I may observe that the candidate whose mother-tongue is an Indian language is allowed to take either General Anthropology or Special Anthropology instead of an auxiliary language, while a European candidate is not given this option. In practice, it has been found that the Indian candidate does not suffer from this arrangement.



(b) In practice, no hardship is caused. The Indian candidates who compete in the London examination have full command of English and they have studied the subjects which they take in that language.

(c) As explained above, there is no real grievance and no action is, therefore, necessary.

#### RESOLUTIONS PASSED AT THE ALL-INDIA MEDICAL CONFERENCE.

796. **\*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Session, held at Poona on 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research ? If the answer be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The Honourable Member is referred to the reply already given by me to the identical question No. 434 asked by Mr. K. C. Neogy.

#### INTRODUCTION OF THE INDIAN MEDICAL COUNCIL BILL.

797. **\*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Will Government kindly state when they propose to introduce the Indian Medical Council Bill ? Has the Draft Bill been circulated for public opinion ?

(b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

#### COMPOSITION OF THE PROPOSED INDIAN MEDICAL COUNCIL.

798. **\*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that the Indian Medical Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates—and should have a non-official elected President from its commencement ; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Yes.

#### RESOLUTION OF THE ALL-INDIA MEDICAL CONFERENCE *re* THE MEDICAL REGISTER.

799. **\*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Has the attention of Government been drawn to

**Resolution No. 4** passed at the All-India Medical Conference held at Poona on 25th, 26th and 27th April, 1931, which runs as follows :

“ This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air Services, of the country or be permitted to act as a ship's Surgeon or in such other services.”

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in the matter ? Has the attention of the representatives nominated by Government to the Round Table Conference been drawn to this matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 436. As regards the last part of the question, the Honourable Member is probably under some misapprehension.

#### LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

**800. \*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India ?

(b) If so, will Government be pleased to state what the difficulties are to prevent their having the same status ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 437.

#### RESERVATION OF POSTS IN THE MEDICAL RESEARCH DEPARTMENT FOR OFFICERS OF THE INDIAN MEDICAL SERVICE.

**801. \*Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : (a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service ?

(b) Is it a fact that the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference ?

(c) Is it a fact that in the resolution moved by Mr. Jayakar in the Assembly, in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion ?

(d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers ? Is it a fact that a large number of members at the Conference differed from the Chairman in regard to his ruling in this matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The Honourable Member's attention is invited to the reply given by me to the identical question No. 438 asked by Mr. K. C. Neogy.

### ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCH INSTITUTE.

802. \***Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state what steps Government have taken in regard to the re-constitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The Honourable Member is referred to the reply given by me to Mr. K. C. Neogy's starred question No. 439.

### RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND ASSOCIATION.

803. \***Mr. Muhammad Azhar Ali** (on behalf of Mr. D. K. Lahiri Chaudhury) : Will Government be pleased to state what steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930 ? If not, why not ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The Honourable Member is referred to the reply given by me to part (a) of Mr. K. C. Neogy's starred question No. 452.

### SALARIES OF HEADS OF RESEARCH INSTITUTES.

804. \***Mr. D. K. Lahiri Chaudhury** : Will Government be pleased to state whether the attention of the Retrenchment Committee was drawn by Government to the following resolutions passed at the All-India Medical Conference :

"That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exorbitant and that a thorough revision of the salaries of the Departmental Heads of these institutions is imperative."

"That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutta, and against the raising of the salaries of these officers to Rs. 3,000 per month."

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The Honourable Member is referred to the reply already given to a similar question No. 441 asked by Mr. K. C. Neogy.

### RESERVATION OF CERTAIN POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEANS.

805. \***Mr. D. K. Lahiri Chaudhury** : Will Government be pleased to state whether the attention of Government has been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the Service and strongly urging that the 90 posts, contemplated to be released, under the Government of India communiqué, of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only ? If so, what steps do Government propose to take in the matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The attention of the Honourable Member is invited to the reply I have already given to Mr. K. C. Neogy's question No. 442 on this subject.

**NOMINATION OF OFFICERS TO THE INDIAN MEDICAL SERVICE.**

**806. \*Mr. D. K. Lahiri Chaudhury :** Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to nominate officers in the Indian Medical Service, in spite of the repeated protests of the medical profession as well as of the public, and urging that all nominations in that service should henceforth cease ; and further that the selection into the service should be by an annual competitive examination to be held in India, and open to all medical practitioners registered in India ? If so, what steps do Government propose to take in the matter ?

**Mr. G. M. Young :** The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government.

**CIVIL DUTIES OF OFFICERS OF THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR PRIVATE MEDICAL PRACTITIONERS.**

**807. \*Mr. D. K. Lahiri Chaudhury :** (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference :

" That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service ; this Conference further declares that the members of the Indian medical profession are prepared to offer themselves for military service in any war that may be waged in the defence of their country ; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."

(b) If so, what steps do Government propose to take in the matter ?

**Mr. G. M. Young :** (a) Yes.

(b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.

**SERVICE CONDITIONS OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.**

**808. \*Mr. D. K. Lahiri Chaudhury :** (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference :

" That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service ; and that these officers should be given a gratuity commensurate with the length of service they may have put in as temporary officers."

(b) If so, what steps do Government propose to take in the matter ?

**Mr. G. M. Young :** The Honourable Member is referred to the reply I gave on the 16th September to the identical question No. 445, asked by Mr. K. C. Neogy.

#### RELEASE TO PROVINCIAL GOVERNMENTS OF STOCKS OF QUININE.

809. **\*Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state what steps are being taken to release to provincial Governments the large stocks of quinine lying with the Government of India ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The attention of the Honourable Member is invited to the reply given by me to Mr. K. C. Neogy's question No. 446 on the 16th September, 1931.

#### NATIONAL HEALTH INSURANCE SCHEME FOR INDIA.

810. **\*Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state whether Government contemplate the appointment of a committee to investigate and formulate a scheme of national health insurance for India ?

**Mr. J. A. Shillidy :** I would refer the Honourable Member to the reply given by me to Mr. K. C. Neogy's starred question No. 447 on the 17th September, 1931.

#### UTILISATION OF THERMAL SPRINGS IN INDIA.

811. **\*Mr. D. K. Lahiri Chaudhury :** (a) Are Government aware that there are a large number of thermal springs existing in the various parts of India ? Will Government be pleased to state what steps have been taken to utilise these springs ?

(b) Will Government be prepared to appoint a committee to investigate and suggest how these springs can be utilised and developed to greater advantage ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). The Honourable Member is referred to the reply given by me to Mr. K. C. Neogy's starred question No. 448.

#### ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

812. **\*Mr. D. K. Lahiri Chaudhury :** (a) Will Government be pleased to state if the Inchcape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India ?

(b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its added emoluments ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). The Honourable Member is referred to the reply I have already given to Rai Sahib Harbilas Sarda's question No. 234 on this subject.

**FREQUENT ABSENCES FROM INDIA OF THE PUBLIC HEALTH COMMISSIONER  
WITH THE GOVERNMENT OF INDIA.**

**813. \*Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state :

- (a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof ;
- (b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country ; and
- (c) whether this officer's frequent absence out of India extends over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Inchcape Committee ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a), (b) and (c). The attention of the Honourable Member is invited to the reply given to the identical question No. 235 asked by Rai Sahib Harbilas Sarda.

**ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT  
OF INDIA AT CONFERENCES OUTSIDE INDIA.**

**814. \*Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state :

- (a) if it is absolutely necessary for the Public Health Commissioner personally to attend various international conferences outside India, which he has been doing at present ;
- (b) whether it is not possible for other officers either under the Central or Local Government, or under various municipalities and local boards, or for members of the independent medical profession, to attend such conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva ; and
- (c) if they propose to consider the advisability of deputing different officers or members of the independent medical profession to attend the international conferences on health matters ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The attention of the Honourable Member is invited to the reply already given by me to Rai Sahib Harbilas Sarda's question No. 236 on the 11th September, 1931.

**RESERVATION OF POSTS IN THE MEDICAL RESEARCH DEPARTMENT FOR I. M. S  
OFFICERS.**

**815. \*Mr. D. K. Lahiri Chaudhury :** (a) Has Government's attention been drawn to paragraph 34 in the Presidential address delivered at the 7th All-India Medical Conference, held in Poona in April, 1931 ?

(b) Will Government be pleased to state on whose authority, Sir Frank Noyce, Kt., C.S.I., Secretary to the Department of Education, Health and Lands, who had given an explicit assurance on the floor of this House on the 8th and 11th February, 1931, that the question of recruitment of the Medical Research Department would be considered at the Conference, which Government undertook to convene, of the representatives of the Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists and who also presided over the said Conference on the 21st and 22nd July, 1930, had ruled out of order the proposition which was duly submitted to the Conference to consider whether any posts in the Medical Research Department should be specially reserved for I. M. S. officers ?

(c) Will Government be further pleased to explain why the discussion on the above referred to ruling of the Chairman of the Conference lasted for over 12 minutes, as stated by the President of the 7th All-India Medical Conference in his address ? Is it a fact that during the course of the discussion the Chairman's attention was drawn to his own remarks as well as to the remarks of the other Honourable members on the floor of this House on the 8th and 11th February, 1931 ? If so, why have those remarks not been published in an otherwise *verbatim* report of the proceedings of the said Conference ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) Ycs.

(b) On his own authority as Chairman. The question that was ruled out of order was that of the reservation of certain posts in the Medical Research Department for members of the Indian Medical Service. Government had given no undertaking that the Secretary of State's orders on this subject would be open to discussion.

(c) If the discussion lasted so long, it may have been perhaps because some of the members did not accept the Chairman's ruling. As regards the second part of the question, the facts may be as stated by the Honourable Member. The discussion on this point, which took place after the Chairman had given his ruling, was not taken down *verbatim* by the reporters and could not, therefore, be included in the proceedings.

#### CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

816. \*Mr D. K. Lahiri Chaudhury : (a) Will Government be pleased to state :

(i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association ; and

(ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the independent medical profession and of non-medical scientists on that body as recommended at that Conference ?

(b). Will Government be further pleased to state when they hope to bring the matter up for the consideration of this House ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). The Honourable Member is referred to the reply which I gave to the identical question No. 237 asked by Rai Sahib Harbilas Sarda.

**FREQUENT CHANGES IN THE APPOINTMENT OF DIRECTOR OF THE HAFKINE INSTITUTE, BOMBAY.**

817. \***Mr. D. K. Lahiri Chaudhury :** (1) Will Government be pleased to state :

(a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands ;

(b) if it is true that eight different I. M. S. officers acted as Director of that Institute during the course of nine years, from January 1921 to December 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the directorship was held by different officers for periods of not more than 10 months' duration at a time ; and

(c) if so, whether Government will be pleased to explain

(i) why such frequent changes were permitted, and

(ii) if such changes are conducive to efficiency ?

(2) Are Government prepared to order that such frequent changes will not be made at that as well as the other Bacteriological Institutes in the country whose Directors are either appointed or recommended to be appointed by the Department of Education, Health and Lands ? Is it a fact that these Institutes obtain large grants for carrying out various researches at their Institutes from the funds of the I. R. F. A. to which the Assembly has been voting a grant of 7½ lakhs a year, for several years past ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The Honourable Member is referred to the reply given by me to question No. 453 asked by Mr. K. C. Neogy.

**TRANSFER FROM SILCHAR OF OFFICE BEARERS OF THE LOCAL POSTAL UNION.**

818. \***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that six R. M. S. sorters have recently been transferred from Silchar to different places ? If so, why ?

(b) Is it a fact that they have been transferred because of their connection with the local Postal and R. M. S. Union ?

(c) Is it a fact that the Superintendent, R. M. S. " S " Division, has taken others also who have any connection with the Union ?

(d) Is it a fact that Mr. N. Banerjee, the present Superintendent, R. M. S. " S " Division, transferred all the Union office-bearers from Chinsurah in 1927 while he was in charge of the Hooghly Division ?



**Sir Hubert Sams :** (a) to (d). Government have no information. It is open to any official having a grievance to represent it through the proper official channel.

**TRAVELLING ALLOWANCE OF R. M. S. OFFICIALS TRANSFERRED FROM SILCHAR.**

**819. \*Mr. D. K. Lahiri Chaudhury :** Will Government be pleased to state :

- (a) whether the R. M. S. officials transferred from Silchar since May last up to date have been sanctioned travelling allowance ;
- (b) what amount has been sanctioned for the officials themselves and what amount for their families ;
- (c) whether Government issued any orders not to transfer Postal and R. M. S. officials frequently in order to curtail expenditure on account of travelling expenses ;
- (d) whether it is proposed that the amount incurred by the Department in meeting the travelling allowances of the sorters transferred during the period mentioned in part (a) will be recovered from the Superintendent who is responsible for this expenditure ; and
- (e) whether it is proposed to transfer the Superintendent from R. M. S. " S " Division ?

**Sir Hubert Sams :** (a) and (b). Government have no information. The payment of travelling allowance is governed by the rules on the subject.

(c) I issued orders to restrict transfers, subject to the exigencies of the service.

(d) Government have no information to show that the transfers were unnecessary.

(e) His transfer is not yet due under the rules.

**QUARTERS OF THE DEPUTY PRESIDENCY POSTMASTER IN THE " ARCADE BUILDING. "**

**820. \*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that quarters in the third floor of the Arcade Building were constructed for the use of the Presidency Postmaster, the Deputy Presidency Postmaster and one of the Assistant Presidency Postmasters ?

(b) Is it a fact that the Deputy Presidency Postmaster refused to occupy the quarters ?

(c) Is it a fact that the quarters meant for the Deputy Presidency Postmaster remained vacant for a few months ?

(d) Is it a fact that he was exempted from paying the occupier's share of rent during the period the quarters remained vacant ?

(e) Is it a fact that the quarters constructed for the Postal officials including postmen and menials in Darjeeling and Sikim Tibet Division are not often occupied by those officials for whom they were constructed ?

(f) Is it a fact that Government are recovering a certain percentage from their pay in spite of the fact that they are not occupying those quarters ?

(g) If so, why so ?

**Sir Hubert Sams :** (a) to (g). The information is being collected and will be communicated to the Honourable Member separately.

ALLEGED ASSAULTS BY RAILWAY OFFICIALS.

821. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that one Babu Ekkari Lal Sil, an official of the R. M. S. " C " Division attached to C-2 Section was roughly handled on the 18th July last by the railway guard of the 41 Up Train at Howrah Station ?

(b) Is it a fact that one Bickhai Aihir, a van peon of the R. M. S. " C " Division attached to C-6-1 Section was badly assaulted by a railway crew man at Keul Junction on the 28th May, 1931 ?

(c) Is it a fact that one Babu Sudhir Kumar Banerjee, Mail Agent Lalmanirhat, R. M. S. was assaulted by the Assistant Station Master, Mr. K. C. Mandal on the 4th March, while on duty on the platform in time for the 228 Down Train ?

(d) Is it a fact that one Babu Kshitish Chandra Roy, Mail Agent of Goalundo Ghat Station, was slapped on the platform while on duty on the 24th November, 1930, by one Mr. Vincent, the Assistant Station Master of Goalundo Ghat ?

(e) If the reply to parts (a), (b), (c) and (d) be in the affirmative will Government be pleased to state what action was taken by Government to bring to book those offenders and what action do Government propose to take to stop such recurrence of high-handedness by the railway officers on the postal officials ?

**Mr. A. A. L. Parsons :** No reports of any of these occurrences have been received by the Railway Board, but I am sending a copy of the Honourable Member's question to the Agents of the East Indian and Eastern Bengal Railways who can be relied on to take any action that may be found to be required.

**Sir Hubert Sams :** (a), (b) and (c). Government have no information, but I am ascertaining the facts and will take such action as is necessary in each case.

(d) Government have information of a case of the kind which occurred on the 25th (not the 24th) November, 1930, and in which the Station Master (not the Assistant Station Master) was concerned.

(e) The foregoing case was taken into Court, but was subsequently settled to the satisfaction of the Mail Agent, who stopped proceedings. Government do not propose to take any special action.

ILLNESS OF MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

822. **\*Mr. Muhammad Azhar Ali :** (a) Will Government be pleased to state if it is a fact that since his incarceration in the Lahore Central Jail, Mr. Ihsan Ilahi is segregated from other inmates and is kept practically in solitary confinement ? If so, why ?

(b) Will Government be pleased to state if it is a fact that he has contracted heart disease ?

(c) Will Government be pleased to state if their attention has been drawn to the report of the result of the medical examination of Mr. Ihsan Ilahi by the Principal, Tibbia College, Lahore, wherein he says that on account of the segregation of Mr. Ihsan Ilahi his health is in danger of being completely shattered ?

(d) Will Government be pleased to state if it is a fact that the weight of Mr. Ihsan Ilahi on entry into the jail was 153 lbs. and is at present 131 lbs. ?

(e) Will Government be pleased to state if they are aware that the cell in which he is housed is in a very dilapidated condition, rain water trickles through the roof, and the vicinity is very insanitary and that he has complained to the authorities without any redress ?

**The Honourable Sir James Crerar :** (a) The State prisoner is not kept in solitary confinement, but he has complained of lack of companionship. This complaint is under consideration.

(b) I have no information to suggest this. His health was certified to be good as recently as the 1st September.

(c) I would refer the Honourable Member to the reply given by me on the 10th September, to clauses (b), (c) and (d) of Mr. Jagan Nath Aggarwal's question No. 150.

(d) On entry into jail Mr. Ihsan Ilahi's weight was 134 lbs. The latest medical report shows it to be 131 lbs.

(e). No ; the suggestion is baseless.

#### BOOKS SUPPLIED TO MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

823. \***Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) : Will Government be pleased to state if it is a fact that Mr. Ihsan Ilahi is not permitted to read books of his own choice ? If so, will Government please state the reasons for this restriction ?

**The Honourable Sir James Crerar :** I would refer the Honourable Member to the reply given by me on the 10th September, to clause (k) of Sardar Sant Singh's question No. 100.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to give us the gist of it ?

**The Honourable Sir James Crerar :** The reply is in the Honourable Member's hands.

**Mr. Lalchand Navalrai :** Will the Honourable Member kindly refresh our memory by giving that reply ?

**The Honourable Sir James Crerar :** I am afraid I must ask the Honourable Member to undergo the inconvenience of reading the answer.

#### RULES FRAMED UNDER REGULATION III OF 1818.

824. \***Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) : Will Government be pleased to inform the House, if any rules have been framed under Regulation III of 1818 and, if so, to lay a copy of the same on the table ?

**The Honourable Sir James Crerar :** Rules have been made, but I am not prepared to lay a copy of them on the table. In this connection I would refer the Honourable Member to the closing sentence of the reply given in the Legislative Assembly on the 8th February, 1926, to Mr. Neogy's questions Nos. 711-713.

# IMPRISONMENT OF MR. IHSAN ILAHI.

825. **\*Mr. Lalchand Navalrai** (on behalf of Mr. Amar Nath Dutt) :  
(a) Will Government be pleased to state how long it is proposed to keep Mr. Ihsan Ilahi in confinement and why ?

(b) Will Government be pleased to state if they intend to produce him for trial before a regularly constituted court of law ?

**The Honourable Sir James Crerar :** I would refer the Honourable Member to the reply given by me on the 10th September to Sardar Sant Singh's question No. 100.

# LOANS OF THE GOVERNMENT OF INDIA MATURING IN ENGLAND AND IN INDIA.

826. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarnp) : (a) Will Government be pleased to state what are the total loans that mature from year to year both in England and India up to the year 1937 ?

(b) What provisions have Government made to meet these obligations ?

(c) What schemes Government propose to adopt for the conversion of short term loans into long term loans ?

**The Honourable Sir George Schuster :** (a) The attention of the Honourable Member is invited to the statement which I laid on the table on the 6th March, 1931, with reference to his starred question No. 832. The following additions should be made to that statement :

1934	6% Sterling Bonds 1933-34.	£10,000,000
1935	6% Treasury Bonds 1935.	Still under issue.

(b) and (c). The obligations will be met in the usual way, from revenue or fresh borrowing or by conversion. The methods adopted will depend on developments during the next few years.

# PROVISION IN THE BUDGET IN CONNECTION WITH POST OFFICE CASH CERTIFICATES.

827. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarnp) : (a) Is it a fact that Government do not make any provision in its annual Budget to meet its liabilities in connection with the Post Office Cash Certificates ?

(b) Is it a fact that Sir Basil Blackett in 1928 made a special provision in that year's budget in this behalf ?

(c) Why have similar provisions not been made in the following years after 1928 ?

(d) What systematic scheme do Government propose for meeting liabilities under this head ?

**The Honourable Sir George Schuster :** I presume the Honourable Member is referring to provision for meeting the accrued liability for bonus on Post Office Cash Certificates. I would invite the attention of the Honourable Member to paragraph 28 of Sir Basil Blackett's speech introducing the budget for 1928-29, paragraphs 27-33 and paragraph 24 of my speech introducing the Budget for 1929-30 and 1930-31, respectively. The position is that up till 1930-31, provision was made for only the actual cash payments for bonus and not for the accrued liability ; and that since 1930-31, provision is being made for meeting the liability accruing during the year. I place on the table a statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting interest.

*Statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting interest.*

				Value of cash certificates outstanding at the beginning of the year.	Provision made in Budget for bonus.
				Rs.	Rs.
1928-29	..	..	..	30,70 lakhs.	50 lakhs.
1929-30	..	..	..	32,30 "	1,10 "
1930-31	..	..	..	35,00 "	1,88 "
1931-32	..	..	..	38,44 "	2,10 "

#### WORLD CONFERENCE ON SILVER.

828. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state if it is a fact that a World Conference on Silver was recently held ?

(b) What was the main purpose of this Conference and was India represented on it, if so, by whom ?

(c) What were the conclusions reached by the Conference ?

(d) What was the position adopted by the Indian delegation at the Conference with regard to stabilisation of the price of silver ?

**The Honourable Sir George Schuster :** (a), (b), (c) and (d). The Government of India understand that the International Chamber of Commerce, acting upon a resolution passed by the Chinese and American Committees, invited certain countries to send experts to advise the Council of the Chamber whether any action is feasible regarding the position resulting from the depression in the price of silver. The Conference is purely non-official. It is understood that non-official British American and Dutch experts are going to London this week and will report to the Council in due course. There is no representation from India as far as the Government of India are aware.

#### STOCKS OF SILVER IN COIN AND BULLION.

829. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state what are its present total stocks of silver in coins and in bullion ?

(b) How much of their silver holdings have Government sold during the current financial year and at what average price ?

**The Honourable Sir George Schuster :** (a) The information is contained in the weekly abstracts of the Accounts of the Currency Department published by the Controller of the Currency.

(b) The Government of India consider that it would not be in the public interest to disclose this information at present.

#### EFFECT OF THE DEBTS MORATORIUM AND CAUSES OF PRESENT DEPRESSION.

830. **\*Lala Hari Raj Swarup :** Will Government be pleased to state how they propose to devote the year of debt holiday brought about as a result of President Hoover's proposals in order :

(1) to consolidate their position with regard to :

(a) their own Budget,

(b) Budgets of Provincial Governments, and

(c) the public debt of India ; and

(2) to find out the causes of the present depression ?

**The Honourable Sir George Schuster :** *Part (1).*—I would invite the attention of the Honourable Member to the Press communique dated the 26th June, 1931, which stated that the net relief to the Budget of the Government of India from the proposals of His Majesty's Government would be about Rs. 33 lakhs in the current year and Rs. 48 lakhs in the next. Those proposals do not affect the Budgets of the Provincial Governments nor do they affect the public debt of India as no provision was included in the current year's Budget for capital repayment of the outstanding war-loan liability.

*Part (2).*—President Hoover's proposals were designed to alleviate one of the main causes of the present depression. I do not see the connection between them and a general enquiry into the matter.

#### CONFERENCE OF WHEAT-GROWING COUNTRIES IN LONDON.

831. **\*Lala Hari Raj Swarup :** (a) Is it a fact that a conference of wheat-growing countries was held in London ?

(b) Was India represented on it ?

(c) What were the conclusions reached by the said conference ?

(d) Was any export quota fixed for various countries ? If so, what quota was fixed for India ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) A conference of wheat exporting countries was held in London in May last.

(b) Yes.

(c) The conference recommended :

(1) that, where possible, reduction in the areas devoted to wheat should be undertaken in whatever way each country considers to be most effective and practical.

- (2) that all avenues for the greater utilisation of wheat both for food and also for other purposes should be carefully explored,
- (3) that a committee consisting of one representative of each State participating in the Conference should be established in order to frame definite proposals for the organisation of a clearing house of information and to explore all possible avenues for the greater utilisation of wheat.
- (d) No export quota has been fixed for any country.

#### LEAGUE OF NATIONS COMMITTEES ON ECONOMIC AND AGRICULTURAL DEPRESSION.

832. \***Lala Hari Raj Swarup** : (a) Is it a fact that the League of Nations appointed Committees to go into the causes of :

- (i) General economic depression, and
- (ii) Agricultural depression ?

If so, have these Committees reported ?

(b) If the Committees have reported, have they also discussed causes of depression in India ? If so, do Government propose to reprint these reports and circulate them amongst the Members ?

**The Honourable Sir George Rainy** : (a) (i). At its eleventh session the Assembly of the League of Nations passed a Resolution directing the Economic and Financial Organisation of the League to undertake the study of the course and phases of the present depression and the circumstances which led up to it. A report on the subject was to be submitted to the Assembly of the League at its session which is being held this month, but the Government of India have not yet been informed whether this has been done.

(ii) The Economic Committee of the League, in co-operation with the International Institute of Agriculture, Rome, called a conference of agricultural experts of various countries to consider the agricultural crisis. The first volume of the Committee's report on the subject has recently been published.

(b) The Report of the Economic Committee on the agricultural crisis discusses causes of the depression as affecting the world agricultural economy, and there are no such special references to Indian conditions in the report as would justify its being reprinted and circulated to Honourable Members.

#### REPORT OF SIR ARTHUR SALTER.

833. \***Lala Hari Raj Swarup** : (a) Will Government be pleased to state what action have the Government of India and the various Provincial Governments taken on the report of Sir Arthur Salter, Economic and Financial Director of the League of Nations, who came to India last winter to advise them for establishing economic advisory organisations ?

(b) Will his report be brought before a Committee of the Assembly for consideration ?

**The Honourable Sir George Rainy :** (a) No action has yet been taken on Sir Arthur Salter's Report.

(b) No, Sir.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

**834. \*Lala Hari Raj Swarup :** (a) Will Government be pleased to state how many prosecutions have taken place in each province under the Child Marriage Restraint Act since its enactment ?

(b) Is it a fact that the Act has remained a dead letter and the authorities have been very reluctant of taking action under the Act ? If so, why ?

(c) Will Government be pleased to state what steps Government propose to take to make the provisions of the Act operative so as to check child marriages ?

**The Honourable Sir James Crerar :** I refer the Honourable Member to the reply I gave in this House to starred question No. 72 on the 9th September, 1931, on the same subject.

CONFIRMATION OF EMPLOYEES IN CERTAIN RAILWAY ACCOUNTS OFFICES.

**835. \*Bhai Parma Nand :** (a) Is it a fact that paragraph 9 of the Railway Board's memorandum No. 6665-F., dated the 31st July, 1929, lays it down that any person appointed to the Accounts Department of the East Indian Railway between the 30th November, 1925 and the 31st December, 1928, or to the Clearing Accounts office or to work connected with the clearing accounts experiment between the 16th November, 1925 and the 31st December, 1928, or to the office of the Controller of Railway Accounts between the 1st October, 1928 and 31st December, 1928, will be eligible for confirmation in the actual rank or grade which he held on the 1st April, 1929, without being required to pass any examination ?

(b) Are Government aware that a large number of employees, in the hope of being confirmed, have continued their service though they attained the age of 25 rendering them unfit for any other Government service ?

**Mr. A. A. L. Parsons :** I find that this very question was put by my Honourable friend as an unstarred question some days ago. He will find my reply to it on page 50 of the Legislative Assembly Debates, Volume V, No. 1.

APPOINTMENT OF NON-HINDUS IN RAILWAY ACCOUNTS DEPARTMENTS.

**836. \*Bhai Parma Nand :** (a) Is it a fact that since the inauguration of the policy of communal representation in services the North-Western Railway Accounts Department have allowed non-Hindus much more than their due share in appointments ?

(b) Is it a fact that under the retrenchment *that took place on the 13th of June, 1931*, as many as sixty or even more Hindus have been discharged as compared to six persons belonging to the so-called minority communities, and that non-Hindus with very little service have been retained in preference to Hindus with long years of service to their credits ?



(c) Is it a fact that some of these non-Hindus who were retained were recruited after 1st April, 1929, against temporary posts of specified duration under the clear understanding that such temporary staff will not be absorbed against the permanent posts without their passing prescribed examination? Is it a fact that the Chief Accounts Officer, Lahore, passed definite orders on 1st April, 1931, that in the case of substitute clerks appointed after 1st April, 1929, no reference to communal representation should be made in ordering their wholesale discharge which should be based solely on the length of service?

(d) How many of the Hindus brought under reduction *that took place on the 13th of June, 1931*, had rendered one year's service? How many of the Hindus had rendered more than two years' service? How many of the non-Hindus retained *on that date* had done less than one year's service?

(e) Is it a fact that a large number of telegrams and memorials have been sent to the authorities by Hindu employees who have been discharged at Delhi, Quetta, Karachi, Multan and *Lahore*? If so, what did the Financial Commissioner do, or what does he intend to do to maintain the principles of justice and fair play for the employees of all communities?

**Mr. A. A. L. Parsons :** (a) No.

(b) Of the men discharged, 94 are Hindus and 47 non-Hindus. As it was decided that the proportion of members of minority communities to the total staff discharged from the Accounts Staff should not exceed one third some non-Hindus were retained in preference to Hindus with longer service.

(c) Yes. This was done, when otherwise the proportion of members of the minority communities discharged to the total staff discharged would have exceeded the maximum limit of one-third.

(d) Of the Hindus discharged, 23 had rendered more than one year's service and 18 more than two year's service. Three non-Hindus with less than one year's service were retained.

(e) Some telegrams and memorials have been received. As the reductions were made in accordance with the orders of the Government of India it is not proposed to take any action on these representations.

**Mr. Lalchand Navalrai :** Will the Honourable member please state whether it is a fact that men who have put in 16 years and 25 years service are being turned away on the ground of retrenchment?

**Mr. A. A. L. Parsons :** I can not give a categorical answer, but as a general rule we have been discharging first people who have put in short service and then people who have put in longer service. There may be individual cases where men are approaching retirement, when much hardship would not be caused by discharging them.

**Mr. Lalchand Navalrai :** May I take it that the railways will consider favourably those men who have put in long service? After their services have been done away with, they should be provided in some other way as there would be no other source of income for them.

**Mr. A. A. L. Parsons :** The difficulty there is that when you are retrenching in all departments of the railways, there is no other way of providing for them.

**Mr. Lalchand Navalrai :** Does not the Honourable Member think that it will be very hard for men who have put in a long service and who have spent their whole life in service, if their services are dispensed with ?

**Mr. A. A. L. Parsons :** I entirely agree with the Honourable Member. I think it is his contention that people with short service should be the first to be discharged. That has been the general rule applied in the discharges that have been made. I cannot, however, say that on occasions some people with longer service may not have been discharged, because obviously they might be very close to retirement and you would not cause much hardship in their case.

**Mr. Lalchand Navalrai :** I know of some cases of the nature I refer to and they have applied to the railways for re-consideration. I hope the Honourable Member will see that their cases are considered.

(No reply was given.)

# INCONVENIENT TIMINGS OF THE GRAND TRUNK EXPRESS BETWEEN MADRAS AND DELHI.

837. **\*Mr. B. Sitaramaraju :** (a) Is it a fact that according to the revised timings which have come into force from the 1st September, 1931, the Down Grand Trunk Express leaves Madras at 7-50 A.M. (as before) and arrives at Delhi at 11 A.M., that is, one hour and thirty-five minutes *later* than it used to arrive, and that the Up Grand Trunk Express leaves Delhi at 6-45 P.M., that is, an hour and fifty minutes *earlier* than before, and arrives at Madras at 7-50 P.M. (as before) ? Will Government be pleased to state the reasons for the same ?

(b) Are Government aware that on account of these alterations the through journey between Madras and Delhi and *vice versa* has been prolonged by two hours with the result that through passengers have to put up with greater hardships and inconvenience than before ?

(c) Are Government aware that questions were put in the Legislative Assembly last March expressing dissatisfaction even with the old timings and suggesting improvements, and that as a result thereof Mr. Parsons definitely promised that he would keep an eye on the train with a view to accelerating the service ?

(d) Are Government aware that the revised timings have greatly disappointed the through travelling public and that the arrival and departure timings at and from Delhi are particularly inconvenient ?

(e) Are Government aware that, whereas there are a number of through mail and express trains connecting Bombay and Calcutta with Delhi and Peshawar, the Grand Trunk Express is the only train that connects Northern with Southern India ?

(f) Are Government aware that similar through trains, such as the Frontier Mail, the Bombay-Punjab Mail, the Calcutta-Punjab Mail, the Bombay-Calcutta Mail, etc., occupy much less time, distance for distance, in reaching their destinations ?

(g) Do Government propose to take the earliest opportunity of so revising the timings as to make the Grand Trunk Express cover the whole distance between Madras and Delhi in not more than 45 hours at the utmost

by adopting the timings suggested in paragraph (h) of Question No. 1002 put by Rao Bahadur M. C. Rajah in the Legislative Assembly on the 18th March, 1931, keeping the departure time from Delhi the same as before, namely, 8-35 P.M. ?

**Mr. A. A. L. Parsons :** (a) Yes. The timings of the Grand Trunk Express had to be altered over the Great Indian Peninsula Railway, as owing to weak bridges the available types of locomotives suitable for hauling fast passenger trains could not be used on a section of the line. An attempt was made to use a light type of locomotive designed for working mixed trains on branch lines, but it was not found to give satisfactory results at high speeds. The speed of trains worked with these locomotives was, therefore, reduced to 40 miles per hour. Financial stringency has prevented the work of strengthening the bridges being proceeded with.

(b) and (d). I recognise the inconvenience caused to through passengers by the longer time taken.

(c) The reply to the first part is in the affirmative, and as regards the second part I may assure the Honourable Member that we continue to watch the running of this train.

(e) and (f). Yes.

(g) The Railway Administrations concerned are aware that Government desire the acceleration of this service, and I am confident they will take the earliest opportunity of doing what is possible to improve the timings.

#### FRAUDS IN POST OFFICES.

838. **\*Mr. Badri Lal Rastogi :** (a) Will Government be pleased to state if it is a fact that the number of frauds in post offices have been increasing steadily of late and that the figures for the last year show rather a large increase ?

(b) Will Government be pleased to state if it is not a fact that the frequency of inspections of offices and the frequency of visits of officers even to headquarter stations of a district has been diminished ?

(c) Will Government be pleased to state what steps have been taken by the Department to put down the increase in the number of frauds ?

(d) Will Government be pleased to state if it is not a fact that whenever the frequency of inspections has been curtailed, frauds have increased as a consequence ?

(e) Will Government be pleased to state if they have reduced the number of inspections on grounds of economy while frauds have increased and they have issued circulars to the effect that inspections must be more thorough and so on ?

(f) Are Government prepared to order that all post offices are inspected at least twice a year as before and that officers from the office of the Post Master General show their face to the public at least once a year in all the important post offices ?

**Sir Hubert Sams :** (a) The facts are not as stated. Frauds were fewer in 1930-31 than in the previous year.

(b) As a temporary and tentative measure of economy, after due consideration, it was ordered that the summary as distinguished from the detailed inspection of an office in the year may be dispensed with if no reason rendering it necessary exists. It has also been ordered that head office balances should be verified four instead of six times in the year.

(c) The Honourable Member's attention is invited to the reply to part (a) of this question. No special steps have been taken.

(d) There is no reason to believe that the case is as stated. The measure mentioned in the reply to (b) of this question actually synchronized with a decrease in the number of frauds.

(e) The first part does not arise in view of the replies to the previous parts of the question. With respect to the second part, Government are not aware what Circulars are referred to by the Honourable Member. All inspections are required to be thorough.

(f) For reasons already stated, Government do not consider that any special action as contemplated by the Honourable Member is called for. Government are not aware that the public are under a disability.

#### COMPLAINTS AGAINST SUPERINTENDENTS OF POST OFFICES.

839. **\*Mr. Badri Lal Rastogi :** (a) Will Government be pleased to call for information from the Postmaster General of each Circle about the names of Postal Superintendents against whom frequent complaints of all sorts have been made and the steps taken either to correct or to punish them and lay the information on the table ?

(b) Are Government prepared to call for all the files relating to the same and see whether Postmaster Generals have dealt with the cases properly ?

**Sir Hubert Sams :** (a) and (b). Government see no occasion to take the general action desired by the Honourable Member.

#### WEIGHTS RECOGNISED BY THE INDIAN WEIGHTS AND MEASURES ACT.

840. **\*Mr. G. Morgan** (on behalf of Mr. E. F. Sykes) : (a) Are Government aware that wheat is taxed by the hundredweight and its statistics recorded in tons while the only weights recognised by the Indian Weights and Measures Act are the *ser* and the *man* ?

(b) Are Government prepared to take steps to remove this anomaly ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Government are not aware of any anomaly and do not see any necessity to alter the unit of assessment to duty.

#### RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

841. **\*Rai Bahadur Lala Brij Kishore :** (a) Are Government aware that about 273 employees of the audit and accounts offices, United Provinces have been served with the formal notice of discharge as a

result of the contemplated scrapping of the separation scheme of audit and accounts ?

(b) Will Government be pleased to place before the House the whole correspondence that has passed between the Secretary of State and the Government of India on the subject ?

(c) Are Government aware that the scheme had been declared a success by the Auditor-General, Government of India, and the Secretary of State on several occasions ; If so, what are the reasons which have led Government now to declare the scheme as scrapped ?

**The Honourable Sir George Schuster :** With your permission, Sir, I will deal with questions Nos. 841 and 842 together.

The information is being collected and will be communicated to the Honourable Member when received.

#### RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

†842. **\*Rai Bahadur Lala Brij Kishore :** (a) Are Government aware that over 500 memorials have been sent to the Viceroy and about 250 to the Auditor-General by the victims of the audit and accounts amalgamation scheme ?

(b) Are Government aware that two cablegrams have been sent to the Secretary of State by these persons requesting him to provide them in any other Departments or province ?

(c) What steps do Government contemplate to take to provide the axed men in other Departments or provinces ?

#### RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

843. **\*Rai Bahadur Lala Brij Kishore :** (a) Do Government contemplate to ask every Provincial Government to maintain a list of axed men and to instruct all the heads of Departments to stop all further recruitment till all the axed men are completely absorbed in their respective Departments ?

(b) Are Government aware that many of the axed men have all-round experience and highest academic qualifications ?

**The Honourable Sir George Schuster :** With your permission, Sir, I propose to answer questions Nos. 843 and 844 together.

Question No. 843 and (a) to (c) of question No. 844. Government are fully alive to the effects upon retrenched officers of loss of their employment and are actively engaged in considering whether compensation should be granted in excess of that provided in the rules. The possibility of finding alternative employment will be duly explored, but in the nature of the case it is unlikely that much will be achievable in this direction and improbable that any Government, since all are faced with the same problem, will be able to do more than consider its own servants.

Question No. 844. (d) The terms what will be allowed to retrenched men are still under consideration.

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†For answer to this question, see answer to question No. 841.

844. (e) All avenues are being explored for retrenchment and cuts, reductions and abolitions will be made wherever possible.

**RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.**

†844. \*Rai Bahadur Lala Brij Kishore : (a) Are Government aware that the British Government in England leave no stone unturned to save the unemployed, and spend millions a year on unemployment insurance and subsidies ?

(b) Are Government prepared to see that the continuity of service of these axed men may not be broken and that over-age may not be regarded as a bar for their employment in other Departments or provinces ?

(c) Do Government propose to see that these axed men should be given preference to the juniors in offices under the Auditor General or in other Departments ?

(d) Do Government propose to grant to these axed men suitable gratuity, one month's pay for each year of service, and all the leave earned, in case Government fail to provide them elsewhere ?

(e) Are Government aware that 3 lakhs a year could be saved from the Audit and Accounts Departments merely by the abolition of only a few of the highly or overpaid posts at the top without axing the lower paid staff ?

**LICENCES TO SUPPLY FOOD ON STATE RAILWAY SYSTEMS.**

845 \*Rai Bahadur Lala Brij Kishore : (a) Will Government be pleased to state on what principles the licence to cater food-stuffs and other articles is granted on the State railway systems ?

(b) What revenue is derived from this source ?

(c) Are these licences auctioned every year ? If not, why not ?

Mr. A. A. L. Parsons : (a) Contracts for catering and licences to sell articles are given to those who, in the opinion of the Railway Administration, can be trusted to give efficient service.

(b) The information is not available, but where a licence fee is recovered the amount of the fee is generally small.

(c) Licences are not auctioned, as to do so would tend to raise the price of the articles sold to the travelling public.

**RETRENCHMENT ON STATE RAILWAYS.**

846. \*Rai Bahadur Lala Brij Kishore : Will Government be pleased to state :

(a) the number of staff thrown out of employment due to the recent economy campaign on each State Railway under the following categories :

- (1) senior scale officers, (2) junior scale officers, (3) senior subordinates carrying a salary of over Rs. 250, (4) clerical staff, (5) low paid staff, and (6) workshop staff ; and

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†For answer to this question, see answer to question No. 843.

- (b) how much of this staff was from those nearing superannuation and how much from those with short service only ?

**Mr. A. A. L. Parsons :** (a) and (b). Statements showing the information available are being sent to the Honourable Member.

#### DUTIES OF THE STAFF AND ASSISTANT STAFF SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

847. **\*Rai Bahadur Lala Brij Kishore :** (a) What are the precise duties of the Staff and Assistant Staff Superintendent on the East Indian Railway and how do the same differ from the duties of the Personnel Officer on the North Western Railway ?

(b) Is it a fact that a responsible railway officer had recommended that there is no need for a senior scale officer to be appointed as Staff Superintendents in the Divisions ?

(c) Do Government propose to give effect to this recommendation and effect a saving ? If not, will Government be pleased to state reasons for their decision ?

(d) Is it a fact that the same officer had recommended to make the principal sheds, yards and stations independent of D. S. office in matters of leave and passes of their staff and thereby effect a saving in the establishment branch of Divisional Offices ?

(e) When do Government propose to give effect to these proposals ?

**Mr. A. A. L. Parsons :** I have called for certain information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

#### DUTIES OF THE GENERAL SECRETARY, INDIAN RAILWAY CONFERENCE ASSOCIATION AND HIS OFFICE.

848. **\*Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state what are the precise duties of the General Secretary, Indian Railway Conference Association and his office ?

**Mr. A. A. L. Parsons :** The duty of the General Secretary, Indian Railway Conference Association, is to supervise the office of the Association which is constituted to frame regulations for the management of Traffic interchanged between railways represented in the Association. The Association also advises on other subjects relating to Indian railways which may be referred to them and acts as a Board of Conciliation. The Secretary of the Association also acts as Secretary of ten Sections and three Standing Committees which have been constituted by the Association to facilitate the disposal of its work. He issues all notices convening meetings of the Executive Council, Sections and Committees, questionnaires on behalf of the Committees, collects and collates data for them, supervises the printing of proceedings and reports and acts as a liaison officer between the Committees to prevent overlapping. The Secretary is also *ex-officio* Director of Wagon Interchange and as such has full authority to regulate the movement and distribution of goods stock as between railways who have pooled their stock.

**TRAIN EXAMINERS AT RAILWAY JUNCTIONS.**

**849. \*Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state if they have considered the feasibility of having neutral train examiners at each in-charge junction for the purpose of train examining and repairs instead of having separate staff of each of the Railway using the junction ?

**Mr. A. A. L. Parsons :** Yes. Neutral train examiners have been appointed by the Indian Railway Conference Association at 8 broad gauge junction stations. These examiners are not, however, responsible for carrying out repairs, and separate staffs are maintained for this work by each of the railways using the junction.

The Indian Railway Conference Association carried out an experiment in 1930 of making the neutral train examiner responsible for wagon repairs of all using railway's wagons at two junctions. The experiment has been discontinued and a report on the working of the scheme is being considered by the Indian Railway Conference Association at its forthcoming meeting. I understand the experiment was not successful.

**ECONOMY IN THE PUBLICITY DEPARTMENTS OF RAILWAYS.**

**850. \*Rai Bahadur Lala Brij Kishore :** Will Government be pleased to state if any economies have been effected in the Publicity Departments of the railways and give the total amount of the same ?

**Mr. A. A. L. Parsons :** Yes, certainly. The Budget allotment for the Central Publicity Bureau in the current year was reduced to Rs. 5,85,000 compared with actual expenditure of Rs. 8,27,992 in 1930-31. Since this year's Budget was framed, a number of posts, both in the Central Publicity Bureau and in the Publicity Departments of railways, have either been abolished or left unfilled, the amounts spent on allowances had been cut down and the running of cinema cars on railways had been discontinued. Further measures of this kind are in contemplation ; but I cannot at present give an exact estimate of the total amount of savings which will result from them.

**EMPLOYMENT OF AN EX-CONVICT IN THE POSTAL DEPARTMENT.**

**851. \*Mr. B. N. Misra :** (a) Will Government be pleased to state if ex-convicts are employed in the Postal Department ?

(b) Are Government aware that a Post Office employee of the Madras Circle who was convicted and imprisoned for embezzlement was re-employed in the Department ?

(c) If so, why was an exception made in his case and who was responsible for his re-employment ?

(d) Is it a fact that since his reinstatement a shortage in his stamp imprest was detected ?

**Sir Hubert Sams :** (a) The departmental orders are that an official convicted in a court of law need not be dismissed if the offence involves no dishonesty, or other moral turpitude and there are no circumstances rendering it impossible or inexpedient to retain him in the service.

(b) to (d). Enquiries are being made.....



## PUNISHMENT OF A CLERK IN THE MADRAS GENERAL POST OFFICE.

852. \*Mr. B. N. Misra : (a) Is it a fact that recently a clerk in the Madras General Post Office was punished by the Presidency Postmaster for giving timely information to the Deputy Post Master General of a plot being hatched by certain officials to commit a huge Savings Bank fraud ? If so, why ?

(b) Are Government prepared to call for papers and reconsider the case ?

Sir Hubert Sams : (a) Government have no information.

(b) Government see no reason to call for papers. The matter is within the competence of the Postmaster-General and, if any official has a grievance, it is open to him to represent it through the proper official channel.

## INDEBTEDNESS OF OFFICIALS IN THE GENERAL POST OFFICE, MADRAS.

853. \*Mr. B. N. Misra : (a) Is it a fact that there are a large number of officials in the General Post Office, Madras, who are heavily involved in debts and that attachment orders come pouring in ?

(b) Are Government prepared to make an inquiry into this matter ?

Sir Hubert Sams : (a) and (b). An enquiry will be made.

## HOURS OF WORK OF THE PRESIDENCY POSTMASTER, MADRAS.

854. \*Mr. B. N. Misra : (a) Will Government be pleased to state the daily hours of work of the Presidency Postmaster, Madras ?

(b) Is it a fact that he attends office only for about two hours daily and is inaccessible even to his subordinate officers ?

Sir Hubert Sams : No fixed hours of duty are laid down for Presidency Postmasters.

(b) Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

## HEADQUARTERS OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

855. \*Mr. B. N. Misra : (a) Is it a fact that Delhi is regarded as the headquarters of the Secretariat and Simla as that of the attached offices ?

(b) If so, will Government please state why one and the same station is not treated as the headquarters of both the Secretariat and the attached offices ?

The Honourable Sir James Crerar : (a) No. The headquarters of the Government of India and therefore of its Secretariat are Delhi and Simla. Some attached offices have their headquarters permanently located at Simla.

(b) The reason is that all attached offices are not required to move with the Government of India.

**HOUSE RENT ALLOWANCE AND DELHI CAMP ALLOWANCE.**

**856. \*Mr. B. N. Misra :** (a) Is it a fact that the ministerial staff of the Secretariat are paid house-rent allowance in Simla ?

(b) If so, will Government please state why this allowance is not paid to the ministerial staff of the attached offices instead of the Delhi camp allowance ?

**The Honourable Sir James Crerar :** With your permission, Sir, I propose to answer questions Nos. 856, 858, 859 and 863 together. The ministerial staff of the Secretariat, in pursuance of a pledge given in 1907, receive free quarters or in lieu thereof house-rent allowance in Simla. When they move down to Delhi such of them as cannot be provided with Government quarters in Delhi and in consequence have to send their families away are given a "separation" allowance for the extra expense entailed in maintaining two establishments and for transporting their families to places other than Delhi. Those who draw the separation allowance are not granted any family travelling allowance. The attached offices do not all move with the Government of India. The establishments of such of them as do, do not get the separation allowance whose origin is different, but are granted a Delhi camp allowance, which is intended to compensate them for having to move between two stations and in addition are granted family travelling allowance. The scales of these allowances have been fixed with reference to the conditions obtaining in Delhi and Simla, respectively. In connection with the general campaign for economy the feasibility of reducing or modifying these allowances is under consideration but no decision has yet been arrived at.

**ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.**

**857. \*Mr. B. N. Misra :** (a) Is it a fact that the staffs of both the Secretariat and the attached offices have to live under the same circumstances and to move between the same stations ?

(b) If so, will Government please state why the staffs of both the Secretariat and the attached offices are not treated alike in the matter of compensatory allowances ?

**The Honourable Sir James Crerar :** Some of the attached offices are located permanently either at Simla or Delhi and it is only in respect of those which move with the Government of India that it can be said that their staffs are subject to the same circumstances as those of the Secretariat. The latter are better off only in one respect in Simla, viz., the privilege of free quarters or house rent in lieu thereof. On the other hand at Delhi the establishments of attached offices are in one sense slightly better off since all of them get the Delhi camp allowance while only such of the Secretariat men as are compelled to send their families away get the "separation" allowance.

### ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

†858. \***Mr. B. N. Misra** : (a) Is it a fact that those members of the Secretariat staff who are not allotted Government quarters at their headquarters in Delhi are paid a "separation" allowance ?

(b) If so, will Government please state the circumstances under which such an allowance is paid at the headquarters station of the Secretariat ?

(c) Is it a fact that no such allowance is paid to the staff of the attached offices, who are not provided with Government quarters at their headquarters in Simla ? If not, why not ?

### ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

†859. \***Mr. B. N. Misra** : (a) Is it a fact that the staff of the attached offices are paid a camp allowance in Delhi to compensate for the extra expenditure incurred by them consequent on their move from their headquarters ?

(b) Is it a fact that this allowance is paid at 2/3rd of the rates of the camp allowance which was paid while the offices moved to Calcutta and since then has never been enhanced ?

(c) Is it a fact that a reduction of about 50 per cent. is being made in the rates of Delhi camp allowance ? If so, on what grounds ?

(d) Do Government contemplate a similar reduction in the rates of Simla house-rent allowance ? If not, why not ?

### HOUSE RENT AND HOUSE RENT ALLOWANCES AT SIMLA AND DELHI.

860. \***Mr. B. N. Misra** : (a) Is it a fact that the Secretariat staff have to pay house rent for the period of their stay in Delhi only, i.e., for about five months during the whole year ?

(b) Is it the general rule that all Government servants should be expected to pay house-rent up to 10 per cent. of their salary for the 12 months of the year ?

(c) If the replies to parts (a) and (b) above are in the affirmative, will Government please state (i) why those of the Secretariat staff who are provided with Government quarters at Simla are not charged house-rent up to the maximum of 10 per cent. of their salary, and (ii) why those of the Secretariat staff who are not provided with Government quarters at Simla are paid anything more than the difference between the rates of the Simla house-rent allowance laid down by Government and one-tenth of their salary ?

**The Honourable Sir James Crerar** : (a) Yes. House rent is charged for the actual period of allotment of the house.

(b) No, the rule is that Government servants provided with Government quarters have to pay the assessed rent of the quarters for the period of actual allotment subject to a maximum of 10 per cent. of their emoluments.

(c) The question does not arise.

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†For answer to this question, see answer to question No. 856.

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

861. \***Mr. B. N. Misra** : (a) Will Government please state the amounts spent annually per individual by way of :

- (i) Simla house-rent allowance to the Secretariat Staff ;
- (ii) Separation allowance to the Secretariat staff ; and
- (iii) Delhi camp allowance to the attached offices staff ?

(b) Is it a fact that the amount spent per individual by way of Simla house-rent allowance to the Secretariat staff is far in excess of that spent on the Delhi camp allowance for the attached offices ? If so, will Government please state whether the amount paid per individual per year in both the Secretariat and attached offices by way of these allowances is proposed to be equalized ? If not, why not ?

**The Honourable Sir James Crerar** : (a) The amounts vary considerably from year to year according to the pay drawn by the individual and whether he resides with his family or not. I am not prepared to undertake to collect this information, but I shall be glad to send the Honourable Member information as to the rates of these allowances.

(b) I am afraid I am not in a position to answer the first part of this question for the reason I have just stated. As I have stated in reply to another of the Honourable Member's question, the question of reducing or modifying these allowances is under consideration.

RENT FREE ACCOMMODATION FOR STAFF OF ATTACHED OFFICES IN NEW DELHI.

862. \***Mr. B. N. Misra** : (a) Do Government propose to give rent-free accommodation to the attached and subordinate offices staff during their stay in New Delhi in lieu of the reduced camp allowance ?

(b) What is the rate of the reduced camp allowance ?

(c) Is it a fact that the Government of India's duration of stay in New Delhi has never exceeded six months ?

**The Honourable Sir James Crerar** : (a) Government have no such proposal under consideration.

(b) The allowance has not yet been reduced.

(c) Yes ; so far as I am aware.

SIMLA HOUSE RENT ALLOWANCE OF SECRETARIAT EMPLOYEES.

† 863. \***Mr. B. N. Misra** : (a) Is it a fact that the Secretariat people get the Simla house-rent allowance or rent-free accommodation in Simla during the whole year ?

(b) Do Government propose to reduce the Simla house-rent allowance ? If not, why not ?

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† For answer to this question, see answer to question No. 856.

## PARTIAL TREATMENT OF ATTACHED AND SUBORDINATE OFFICES.

864. \***Mr. B. N. Misra** : (a) Is it a fact that all the memorials and representations sent by the Attached and Subordinate Offices Association were turned down ?

(b) Are Government aware that there is a general discontent among the persons employed in the attached and subordinate offices over the attitude adopted by the Secretariat ?

(c) Will Government state their reasons for treating partially a section of their own men in such a way ?

(d) Do Government propose to reduce the Simla house-rent allowance in the same proportion as the Delhi camp allowance is going to be ? If not, why not ?

**The Honourable Sir James Crerar** : (a) I understand the Honourable Member is referring to representations regarding allowances only. Some representations on the subject were received some time ago and were rejected.

(b) No.

(c) and (d). I am unable to accept the statement that there is any partiality in the matter. As I have already stated the question of reducing or modifying the allowances is under examination.

## PAUCITY OF MUSSALMANS IN THE AUDITOR GENERAL'S DEPARTMENT.

865. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that in the Department of the Auditor General no gazetted officer is a Mussalman, no permanent Superintendent is a Mussalman, and no Assistant Superintendent is a Mussalman ?

(b) Will Government be pleased to state the percentage of the different communities holding the posts mentioned in part (a) above ?

**The Honourable Sir George Schuster** : (a) It is a fact that there is no Mussalman gazetted officer, Superintendent or Assistant Superintendent in the office of the Auditor General. A Mussalman apprentice was recruited last year for appointment to an Assistant Superintendent's post.

(b) The percentage of different communities in the posts mentioned in part (a) of the question is as follows :

		<i>European.</i>	<i>Hindus.</i>
		Per cent.	Per cent.
Gazetter Officer	..	12.5	87.5
Superintendents	..	..	100
Assistant Superintendents	..	..	100

## COMMUNAL COMPOSITION OF POSTAL STAFF IN CERTAIN POSTAL DIVISIONS.

866. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state whether the figures of communal composition of the R. M. S. staff in the D. and L. Divisions published on page 10 of the August 1931 issue of the *Postal Advocate*, Delhi, are correct ?

(b) Will Government be pleased to state whether the figures of communal composition of R. M. S. porters in the D. Division published on the inner leaf of the title page of the August 1931 issue of the *Postal Advocate*, Delhi, are correct ?

(c) Will Government be pleased to state the correct figures if the figures referred to in parts (a) and (b) above are not correct ?

(d) Is it a fact that even in the Punjab and North-West Frontier circle, where Muslims form 55 per cent. of population, the posts of (a) Selection grade, (b) clerks, (c) sorters, and (d) porters and menials are held as under :

	Hindus.	Muslims.	Total.
(1) Superintendents, R. M. S., L. and D.			
Divisions .. .. .	2	0	2
(2) Selection grade appointments	35	9	44
(3) Sorters .. .. .	696	203	899
(4) Head Clerks, Accountant and Head Record Clerks .. .. .	6	0	6
(5) Inspectors, R. M. S. .. .. .	17	7	24
(6) Porters in D. Division .. .. .	157	35	192
Total .. .. .	913	254	1,167
Percentage .. .. .	79	21	100

(e) Do Government propose to take some effective steps to remove the inequality ?

**Sir Hubert Sams :** (a) to (e). Government have no information. With respect to (d) and (e), recruitment is not made on a population basis, while the orders regarding the adjustment of communal representation apply only to new recruitment and not to promotion or postings. Government are not aware that those orders are not being observed. A copy of the question is being sent to the Postmaster-General, Punjab and N. W. F.

#### APPOINTMENT OF A MUSLIM AS ASSISTANT DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

**867. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that there is no Muslim Assistant Director-General, Posts and Telegraphs, nor any Muslim Superintendent in the office of the Director-General of Posts and Telegraphs against two Assistant Directors-General and sixteen Superintendents of the other communities ?

(b) Do Government propose to consider the desirability of appointing at least one Muslim Assistant Director-General of Posts and Telegraphs ?

**Mr. J. A. Shillidy :** (a) There is at present no Muslim Assistant Director-General or Superintendent in the Director-General's office.

(b) Posts of Assistant Directors-General are filled by selection from the most suitable eligible officers without regard to seniority or to communal considerations.

## INDEBTEDNESS OF THE POSTMASTER, DELHI.

868. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that Mr. J. C. O. Loughlin, Postmaster, Delhi, took a loan of rupees two thousand from the Postal Co-operative Credit Society, Delhi ?

(b) Is it a fact that no instalment of the said loan has yet been paid by the said Postmaster to the Society ?

(c) Are Government aware that the said Postmaster took loans from the following subordinates of his :

- (1) Mr. Hira Lal, Head Clerk, Mails, Delhi, by signing a promissory note in favour of Hira Lal's father.
- (2) Mr. Bhagwant Sing, B.A., Clerk P. O., Delhi, who appeared in the selection grade examination over the head of his senior graduates.
- (3) Mr. Harnarain, Sub-Postmaster, Imperial Secretariat, North.
- (4) Mr. Ram Chand, Sub-Postmaster, Dareeba, Delhi.
- (5) Mr. Janki Ram, Sub-Postmaster, Chitli Kabar.
- (6) Mr. Gurbakhsh Sing, Sub-Postmaster, Civil Lines, Delhi.
- (7) Mr. Sri Ram, Sub-Postmaster, Mori Gate, Delhi.
- (8) Mr. Dina Nath, postman—now Lower Division Clerk, Delhi.
- (9) Mr. Jawahir Lal, officiating Head Clerk, Correspondence, Delhi.

(d) If reply to part (c) be in the affirmative, will Government be pleased to state whether the conduct of the said Postmaster and the officials named in part (c) above was objectionable according to the Government Servants Conduct Rules, and, if so, what action do Government propose to take against all those officials ?

**Sir Hubert Sams** : (a) Yes.

(b) Government have no information. The business of the Society is conducted by the Society itself.

(c) and (d). An enquiry will be made.

†869.

## MUSSALMAN EMPLOYEES IN THE DISTRICT TRAFFIC SUPERINTENDENT'S OFFICE, DINAPORE.

870. \***Mr. M. Maswood Ahmad** : What was the percentage of Mussalman employees getting rupees thirty or upward in July, 1920, in District Traffic Superintendent's Office in Dinapore on the East Indian Railway and what is the corresponding figure of July, 1931 ?

**Mr. A. A. L. Parsons** : With your permission, Sir, I propose to answer questions Nos. 870, 871 and 872 together. Government regret that they are not prepared to supply figures of communal representation regarding individual offices or classes of offices.

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†This question was withdrawn by the questioner.

**MUSSALMAN EMPLOYEES ON THE EAST INDIAN RAILWAY.**

†871. \***Mr. M. Maswood Ahmad** : What is the percentage in Dinapore Division and in other Divisions on the East Indian Railway, of Mussalman employees :

- (a) in grades of Rs. 30 and upward up to Rs. 130 ;
- (b) in grades of Rs. 130—150 ;
- (c) in grades of Rs. 150—250 ; and
- (d) in grades of Rs. 250 and upward ?

**MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.**

†872. \***Mr. M. Maswood Ahmad** : What is the percentage of Mussalman Station Masters in Dinapore Division on the East Indian Railway and what is the corresponding number in other Divisions on the East Indian Railway ?

**APPOINTMENT OF MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.**

873. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that handling money is paid to Station Masters for loading and unloading the goods ?

(b) Is it a fact that the following stations are first class stations in Dinapore Division as regards goods booking :

Bhabhua Road, Dehri on Sone, Daltonganj, Sone East Bank, Sasaram, Jehanabad, Taregna, Burhee, Warisaligunj, Jamooee, Barh, Bihta, Raghunathpore, Arrah, Buxar, Behia, Dumraon, and Tarighat.

(c) Is it a fact that except on temporary relieving duty no Mussalman Station Master has ever been appointed at the stations mentioned in part (b) ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state the names of Mussalman Station Masters apart from temporary relieving duties who have been appointed at the stations mentioned in part (b) with their length of service at that post ?

(e) If the reply to part (c) be in the affirmative, do Government propose to see that the claims of Mussalman Station Masters are not overlooked ?

**Mr. A. A. L. Parsons** : (a) Yes, at certain stations on some railways in cases in which the contract for loading and unloading goods is not given to labour contractors.

(b) Government have no information as to the classification of stations adopted by Railways for goods traffic.

(c), (d) and (e). Government have no information. They presume, however, that the Honourable Member suggests that discrimination is exercised against Muslim employees in the posting of Station Masters at the stations referred to, Government propose, therefore, to bring the Honourable Member's question and this answer to the notice of the Agent, East Indian Railway.

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†For answer to this question, see answer to question No. 870.



**PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY  
SECRETARY.**

**874. \*Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that a proposal to classify the appointment of the Army Secretary's Personal Assistant as a Superintendent's appointment was originally rejected by the Home Department ?

(b) Is it a fact that the proposal was put up to the Home Department again when the present Army Secretary (then Deputy Army Secretary) was placed on special duty in that Department ?

(c) If the answer to part (b) is in the affirmative, was the proposal sanctioned by him ?

(d) Is it also a fact that having first secured a gazetted status for the appointment of the Army Secretary's P. A., sanction of the Finance Department was obtained to grant of pay in the grade of Rs. 500—40—700 in favour of the Personal Assistant ?

**Mr. G. M. Young :** (a) No, Sir. The Army Department sent to the Home Department a proposal that this official should be given gazetted status. The Home Department replied that it was not usual to confer such status as personal distinction on an individual, but that it would seem appropriate to classify the appointment as a Superintendent's appointment, which would automatically give it the gazetted status. This was done.

(b) It is a fact that I was acting as Joint Secretary in the Home Department in 1926, when the case was referred to that Department by the Army Department.

(c) I find, on reference to the records, that, in view of my connection with the Army Department, I referred the case to the Home Secretary, who passed orders on it. I had, however, the satisfaction of strongly supporting the proposal.

(d) Yes.

**PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY  
SECRETARY.**

**875. \*Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that a proposal is now on foot to grant a charge allowance of Rs. 200 per mensem to the Personal Assistant to the Army Secretary in respect of the Medal Section ?

(b) If the answer to part (a) is in the affirmative, what will be the total emoluments of the Personal Assistant to the Army Secretary and what were his total emoluments in 1926 ?

(c) What are the present duties of the Personal Assistant to the Army Secretary ?

**Mr. G. M. Young :** (a) No, Sir. I may inform the House that the office of the Medal Section of the Army Department is situated in Old Delhi for all the year round, while the Army Department itself migrates between Simla and New Delhi. It would therefore be physically impossible, even if it were otherwise desirable, for the Personal Assistant to the Army Secretary to hold charge of that Section.

(b) Does not arise.

(c) The Personal Assistant to Army Secretary combines the duties of Personal Assistant, with those of the Registrar of the Department.

**Mr. Gaya Prasad Singh :** Is it not a fact, Sir, that the Personal Assistant to the Army Secretary has rendered meritorious services to Government and fully deserves the trust which the Army Secretary has reposed in him ?

**Mr. G. M. Young :** I am very glad to have that testimonial to my Personal Assistant, from the Honourable Member.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

876. **\*Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the Personal Assistant to the Army Secretary was placed in charge of establishment while he was a junior time-scale Assistant ? If so, why ? Have there been any such instances in other Departments ?

(b) Is it a fact that the Personal Assistant has been promoted to a Superintendentship without being first promoted to the upper time-scale ?

(c) How many such instances are there in other Departments ? If there are none, why was an exception made in favour of the Personal Assistant to the Army Secretary ?

**Mr. G. M. Young :** (a) The answer is in the negative.

(b) No, Sir ; as stated in my reply to question No. 874, the appointment is a special one and was graded as a Superintendentship, although it is not a Superintendentship in the regular line.

(c) As explained in my reply to the Honourable Member's starred question No. 495 on the 17th September, there is no parallel to this appointment in other Departments. The latter portion of this question does not therefore arise.

CORRESPONDENCE DEALING WITH ALLEGATIONS AGAINST THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

877. **\*Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) : (a) Will Government kindly place on the table of this House a complete copy of the correspondence that passed between the Army Secretary and a prominent Member of this House dealing with certain allegations against the Personal Assistant to the Army Secretary ?

(b) Is it a fact that extracts from that correspondence were circulated in the Army Headquarters and Army Department and, if so, what was the object underlying this action ?

**Mr. G. M. Young :** (a) The answer is in the negative. Three letters were received on the question of the recruitment of Muslim clerks to Army Headquarters, which the writer asserted to be for all practical purposes controlled by Hindu members of the establishment. The last of these letters also contained unfounded allegations against

the Personal Assistant and the other Hindu members of the establishment.

(b) As the information contained in these letters had clearly been supplied by some person or persons employed in the Army Department, and as it was generally known that propaganda of this kind was going on, it was thought desirable to circulate the last of the three letters, with my reply, in order to make it clear to all concerned that the authorities in control of the Army Department and Army Headquarters establishments were not being influenced by this propaganda. The identity of the writer of the letters was not disclosed.

**Mr. Gaya Prasad Singh :** Are Government prepared to disclose the name of the gentleman who wrote that letter to the Army Department ?

**Mr. G. M. Young :** No, Sir.

#### DUTIES OF AN OFFICER ON SPECIAL DUTY IN THE ARMY DEPARTMENT.

878. \***Pandit Satyendra Nath Sen** (on behalf of Mr. S. C. Mitra) :

(a) Is it a fact that the officer on special duty in the Army Department is in charge of the Revision Section ?

(b) Is it a fact that in order to save himself from the retrenchment axe, he is taking over work which is not properly his own ?

(c) What was the number of cases dealt with by him as an officer of Revision Section in April last and what is their number now ?

(d) Is it a fact that formerly he was responsible for merely issuing amendments to only a few books of regulations and that now he has taken upon himself the task of approving and issuing amendments to all books of regulations (without any specific orders to this effect) ?

(e) Is it a fact that he approves all proposals put up by the Army Secretary's Personal Assistant the latest being that all persons should report to the latter *in person* on return from leave ?

**Mr. G. M. Young :** (a) Yes.

(b) No, Sir.

(c) The information is not available.

(d) The appointment was made with the object that the holder of it should gradually take over the control and amendment of all forms, and, if possible, of all regulations also. The officer is also in charge of printing and stationery. The concentration of the above duties in a single officer has already resulted in large savings. In addition, the Officer on Special Duty has taken over most of the duties of the Establishment Officer, thus making possible the abolition of the latter appointment, a further consequential saving.

(e) The answer to the first portion of this question is in the negative. The answer to the second portion is that the rule has been in force for a considerable time.

#### ALLOTMENT OF QUARTERS IN NEW DELHI.

879. \***Mr. B. Das :** (a) Will Government be pleased to state the details of allotment of accommodation for New Dehli for 1930-31 and

1931-32 for orthodox and un-orthodox quarters (with and without liens separately) for the Departments of the Government of India and their attached and subordinate offices ?

(b) How many applicants are there from each of the Departments for A, B, C and D classes, respectively, and how many were provided with accommodation ?

(c) Is it a fact that in some cases those who are actually allotted quarters do not live in them but sublet them to unauthorised persons ?

(d) If the answer to part (c) is in the affirmative, do Government propose to take any action ?

(e) Do Government propose to extend the same privileges to the migratory staff as are enjoyed by the non-migratory staff, viz., the privilege of remaining in the same quarter unless and until a quarter of a higher type to which he is entitled becomes available ? If not, why not ?

**Mr. J. A. Shillidy :** (a) and (b). Government do not propose to have the information compiled as the amount of labour involved in doing so would be incommensurate with the benefit attained.

(c) Government have no information on the subject.

(d) Does not arise.

(e) It is not proposed to extend the privilege mentioned to the migratory staff as the reasons for which it was given in the case of non-migratory staff do not hold good in the case of migratory staff.

#### RELEASE OF S. DHANNA SINGH, A PRISONER OF LYALLPUR.

880. **\*Bhai Parma Nand** (on behalf of Sardar Sant Singh) : Will Government be pleased to state why S. Dhanna Singh and his companions have not been released so far under the Gandhi-Irwin settlement ?

**The Honourable Sir James Crerar :** They were not released at the time as the offence for which they were convicted was not connected with the civil disobedience movement and their cases did not therefore come within the terms of the settlement.

It is understood, however, that the Punjab Government as an act of grace have since remitted the sentences under section 401 of the Criminal Procedure Code.

#### CHARGE FOR EXCESS WATER AT THE CLERK'S QUARTERS, PHAGLI, SIMLA.

881. **\*Rao Bahadur M. C. Rajah :** (a) Is it a fact that there are separate water meters attached to each of the Indian clerks quarters, Phagli, Simla ?

(b) Is it a fact that the water rates are not charged according to the readings of the meters attached to each quarter ?

(c) Is it a fact that there are Municipal meters attached to each group of six quarters, and, if so, is it a fact that the reading of the Municipal meter does not tally with the total readings of the separate meters attached to the six units in a block ?

(d) Will Government be pleased to state whether the Municipality charges the Public Works Department for excess water according to their

meters, if so, what are the reasons for putting separate meters in each quarter ?

**Mr. J. A. Shillidy :** (a), (b) and (c). Yes.

(d) Yes. Originally, there were no separate meters in the quarters. This led to considerable discontent because some occupants (for example, those with large families) used more water than others, and so long as there were no meters, all had to pay alike.

#### CHARGE FOR EXCESS WATER AT GOVERNMENT QUARTERS IN SIMLA AND NEW DELHI.

882. **\*Rao Bahadur M. C. Rajah :** (a) Are Government aware that the excess water rate bill for the period, 15th April, 1931, to 14th May, 1931, has been sent to the tenants in Phagli in the month of September, 1931 without giving the tenants any intimation as to the excess water used by them during that month ?

(b) Will Government be pleased to state the number of gallons of water allowed free for a month to each tenant in A, B and C type quarters in Phagli, Simla, as well as in the unorthodox quarters in New Delhi ?

(c) Are Government aware that the tenants of Government quarters in Simla and New Delhi are not intimated as to the excess water used by them during a month ? If so, do Government propose to have a chart attached to each water meter in Government quarters in Simla and New Delhi in which the monthly meter readings will be put down for the information of the tenants as is done for electric meter reading ?

**Mr. J. A. Shillidy :** (a) Yes.

(b) The figures are, approximately, as follows :

*Phagli, Simla.*—A. 65 gallons, daily.

B. 55 gallons, daily.

C. 52 gallons, daily.

*New Delhi.*—No free allowance is given to tenants of unorthodox quarters. They are charged Rs. 1-8-0 per mensem, and are allowed to use up to 4,000 gallons per mensem without further payment. After this they are billed at a rate of 6 annas per thousand gallons.

(c) In Delhi, intimation is given when the bills are sent out. In Simla, no intimation is given, but the information may be obtained by any one who is interested on applying to the Phagli Public Works Office.

The system suggested could be introduced, but would involve additional work and expense.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### MUSLIM RAJPUT POPULATION OF EACH PROVINCE.

71. **Kunwar Hajee Ismail Ali Khan :** Will Government kindly state what is the Muslim Rajput population (male and female) of each province in India according to this latest census ?

**The Honourable Sir James Crerar :** I regret the information is not yet available.

#### REDUCTION IN NUMBER OF CLASS I OFFICERS OF THE SURVEY OF INDIA.

**72. Kunwar Hajee Ismail Ali Khan :** With reference to Maulvi Muhammad Yakub's starred question No. 1577 (d), dated 3rd September, 1924, will Government kindly state what reduction has been made up till now in the number of Class I officers of the Survey of India ?

**The Honourable Khan Bahadur Mian Sir Fazil-i-Husain :** The sanctioned cadre of Class I of the Survey of India consists of 63 officers. The number actually employed at present is only 49. Recruitment from the Indian Army has been in abeyance since 1923 and the number of Royal Engineer officers has also been gradually decreasing. The question of reduction is receiving the attention of Government in connection with the proposals for retrenchment.

#### THE ADMINISTRATION OF ADEN.

**73. Mr. S. G. Jog :** (a) Will Government make an announcement of their future policy of administration in Aden ?

(b) Are Government aware that questions with reference to the Aden administration were put in the Bombay Council ?

(c) What steps do Government propose to take to improve the present state of administration ?

**Mr. E. B. Howell :** (a) and (c). The Honourable Member is referred to the answer given by me to question No. 595 put by Sir Cowasji Jehangir in this Assembly.

(b) Yes.

#### TRAINS FROM AMRAOTI TO NAGPUR.

**74. Mr. S. G. Jog :** (a) Will Government state as to how many trains run between Badnera and Nagpur on the Great Indian Peninsula Railway ?

(b) Have Government considered the question of running the same trains from Amraoti to Nagpur ?

(c) Are Government aware that the Railway has been put to a loss by the present arrangement ?

(d) Are Government aware that because the trains do not run from Amraoti the passenger traffic is diverted considerably by motor buses ?

(e) Do Government propose to take steps to run the trains from Amraoti ?

**Mr. A. A. L. Parsons :** (a) Four passenger trains in each direction.

(b) Government can take no part in the preparation of time tables.

(c), (d) and (e). I would refer the Honourable Member to the reply I gave to part (c) of his question No. 972 on the 16th March 1931. The Agent, Great Indian Peninsula Railway, has since reported that the third class single journey fare between Badnera and Amraoti had been

reduced from Re. 0-2-0 to Re. 0-1-6 and return tickets at Re. 0-2-0 were introduced with effect from 1st October 1928, and that the train services on the section had also been intensified from time to time. These measures, it is stated, have proved effective to retain traffic against road competition.

#### TENNIS COURT FOR GOVERNMENT OF INDIA CLERKS AT PHAGLI.

75. **Mr. S. C. Mitra :** (a) Is it a fact that there is a Government tennis court in Phagli for the Government of India clerks? If so, what is the annual rent charged from the clerks for the use of the court?

(b) Will Government be pleased to lay on the table a statement of the tennis courts attached to the different officers' bungalows—with names of the officers—and the rent paid by them for the Simla season for the use of those courts?

**Mr. J. A. Shillidy :** (a) Yes. The annual rent is Rs. 110 per season. This is a concessional rent. The full rent for the summer is Rs. 299 and for the year Rs. 513.

(b) Government are not prepared to undertake the labour of preparing the statement asked for. It might be mentioned, however, that in no case is the rent of a tennis court attached to an officer's house, as low as what is charged for the Phagli court, nor is any officer given any concession.

#### APPOINTMENT OF JOINT SECRETARY, DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

76. **Mr. S. C. Mitra :** (a) What are the duties attached to the post of Joint Secretary in the Department of Education, Health and Lands and what is the justification for keeping this post? Was the post of Additional Deputy Secretary created for the very work which originally used to be done by the Joint Secretary?

(b) What is the establishment attached to this post?

(c) How many times has the present Joint Secretary gone overseas during the last three years and on what purpose? For how many months has he been away during that period and what arrangements were made to carry on his work in his absence? Does not the work suffer in any way?

(d) What are the arrangements made now when he is away? Cannot the same arrangements be kept throughout the year? If not, why not?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) The duties performed by Joint Secretary and Additional Deputy Secretary in this Department and the reasons which necessitated the creation of these posts are fully explained in paragraphs 54 and 56 of the proceedings of the Standing Finance Committee, dated the 23rd January, 1931, and 14th February, 1930, respectively. Copies of these proceedings are available in the Library of the House.

(b) 1 stenographer and 2 peons.

(c) The Honourable Member is presumably referring to Mr. G. S. Bajpai. A statement containing the information desired by him is annexed. The answer to the last part of the question is in the negative.

(d) The Additional Deputy Secretary is officiating as Joint Secretary. The post of Additional Deputy Secretary has been converted temporarily into that of Additional Under Secretary as a measure of economy. The question of the strength of the Secretariat establishment is being considered by the General Purposes Sub-Committee of the Retrenchment Advisory Committee.

*Absences out of India of the Joint Secretary, Department of Education, Health and Lands.*

Year.	Purpose and period of deputation.	Arrangements made during his absence.
1929 .. ..	To Geneva in connection with the meeting of the League of Nations. 30th July, 1929 to 29th November, 1929 (4 months).	The Deputy Secretary officiated as Joint Secretary.
1930 .. ..	To Geneva in connection with the meeting of the League of Nations, and then to London in connection with the Imperial Conference and the Indian Round Table Conference. 16th August, 1930 to 11th February, 1931 (5 months and 27 days).	The Additional Deputy Secretary officiated as Joint Secretary.
1931 .. ..	To London to assist at the Round Table Conference. From 16th August, 1931.	The Additional Deputy Secretary is officiating as Joint Secretary.

CONVEYANCE ALLOWANCE PAID TO GOVERNMENT OF INDIA STAFF AT DELHI.

77. **Mr. S. C. Mitra :** (a) What is the rate of conveyance allowance granted to the staff of the Government of India while at Delhi? Why and for what purpose was it sanctioned?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers? If so, what is the percentage of reduction of this allowance in the case of both the classes of officers?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries?

**The Honourable Sir James Crerar :** (a) Conveyance allowance is granted to those who apply for, but are not provided with, accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32, but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.



### ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

**78. Mr. S. C. Mitra :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff altogether ?

(b) What is this allowance and when and why was it sanctioned ? Have the grounds for which it was granted ceased to exist or are they still present ?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) If the answers to parts (a) and (c) be in the affirmative, do Government propose to continue the allowance ?

**The Honourable Sir James Crerar :** (a), (b) and (d). I would refer the Honourable Member to the reply given by me on 17th September, 1931, to parts (a) (i), (e) and (f) of Mr. Anwar-ul-Azim's unstarred question No. 70.

(c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

### PAY AND ALLOWANCES OF I. C. S. OFFICERS.

**79. Mr. S. C. Mitra :** (a) What is the time-scale of pay of the I. C. S. ?

(b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not these grounds since disappeared ? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of the subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

**The Honourable Sir James Crerar :** (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.

(b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions I would refer the Honourable Member to rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.

(c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

(d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month, respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month, respectively, in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.

(e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

**PAY OF ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.**

80. **Mr. S. C. Mitra :** (a) Will Government be pleased to state (i) the number of accountants and their scale of pay, and (ii) the number of clerks and their scale of pay at present employed in the office of the Military Accountant General ?

(b) Is it a fact that the scale of pay and the increments of accountants employed in the Office of the Military Accountant General are higher than those of the 1st Division assistants employed in the Imperial Secretariat ?

**The Honourable Sir George Schuster :** (a) (i) and (ii). A statement containing the required information is laid on the table.

Category of staff.	Number.	Scale of pay.
Accountants .. .. .	18	Rs. 210—20—410—30—500.
Clerks who have passed the Subordinate Accounts Service Examination of the Military Accounts Department .. ..	58	Rs. 115—10—225.
Clerks who have not passed the Subordinate Accounts Service Examination of the Military Accounts Department .. ..	11	Rs. 55—6—115—5—170—5—200.
Routine Grade Clerks—permanent .. ..	15	Rs. 90—4—130—4—170.
Routine Grade Clerks—officiating .. ..	2	Rs. 75.

(b) There are two classes of First Division Secretariat Assistants :

(i) Assistants—Upper time scale.

Scale of pay—Rs. 375—25—500.

(ii) Assistants—Lower time scale.

Scale of pay—Rs. 200—15—500.

It will be seen that the accountants employed in the office of the Military Accountant General are on a scale which is considerably lower than that of First Division Secretariat Assistants who are in the Upper Time Scale but slightly higher than that of Assistants in the Lower Time Scale.

**ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.**

81. **Mr. S. C. Mitra :** (a) Is it a fact that the accountants employed in the Office of the Military Accountant General get, in addition to their

time-scale of pay, (i) local allowance ranging from Rs. 50 to Rs. 80 a month ; (ii) duty allowance of 20 per cent. on their pay ; and (iii) Simla house rent ?

(b) Is it not a fact that the Military Accountant General's Office is only an Attached Office ?

(c) Is it a fact that the 1st Division assistants in the Imperial Secretariat get only Simla house rent and no local or duty allowances in addition to their substantive pay ? If so, will Government be pleased to state the circumstances and the reasons for the grant of local and duty allowances to the accountants of the Military Accountant General's Office ?

**The Honourable Sir George Schuster :** (a) (i), (ii) and (iii). The answer is in the affirmative except that the rate of local allowance for accountants ranges from Rs. 70 to Rs. 80 a month.

(b) The Military Accountant General's office is an attached office, which in some respects functions as a Section of the Military Finance Department. The work carried out in the Military Accountant General's office is of a different nature to that carried out in Secretariat offices but is of a very responsible nature. It is not possible to make a comparison of responsibility.

(c) It is a fact that First Division assistants in the Imperial Secretariat draw no local or duty allowances in addition to their substantive pay. The Secretariat scale of pay is a consolidated rate based on the conditions prevailing at the Headquarters of the Government of India. The accountants employed in the Military Accountant General's office belong to an "all-India" Department. Under their terms of service they are liable for general service in India and Field Service in or out of India, and are transferred to the head office only for limited periods. In addition to their pay on the general time-scale they are granted a local allowance to cover the high cost of living in Simla and a duty allowance in view of the more responsible duties which they have to perform in the Headquarter office in comparison with those in subordinate offices.

#### ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

82. **Mr. S. C. Mitra :** (a) Will Government be pleased to state the actuals of the amounts paid to the accountants of the Military Accountant General's Office in 1930-31 towards (i) local allowance ; and (ii) duty allowance ?

(b) Will Government be pleased to state whether they propose to abolish the local and duty allowances of the accountants employed in the Military Accountant General's Office ? If so, when ? If not, why not ?

(c) Is it a fact that duty allowances are granted to the superior service officers and the subordinate service officers employed in the Office of the Military Accountant General and that officers of similar status employed in the Secretariat offices of the Government of India get no such allowances ? If so, will Government be pleased to state whether, and if so, when they propose to abolish these allowances ?

**The Honourable Sir George Schuster :** (a) (i) Local allowance Rs. 15,539.

(ii) Duty allowance Rs. 15,146.

(b) Local and duty allowances were granted to accountants in the Military Accountant General's office after carefully considering the circumstances necessitating their grant and as the grounds on which they were granted still exist the Government of India do not propose to abolish them.

(c) The answer to the first part of the question is in the affirmative. Both in the case of officers employed in the Secretariat and the office of the Military Accountant General the rates of pay and allowances have been fixed after careful consideration and with due regard to the nature of the duties which the officers are called upon to perform and their responsibilities and it is not proposed to abolish the duty allowances at present sanctioned.

With regard to the general question of local and duty allowances it is possible that the present rules will have to be reviewed if they are affected by any proposal made by the Retrenchment Committee.

#### PAYMENT FOR THE CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND.

83. **Mr. S. C. Mitra :** (a) What is the amount paid to the steamer company that carries mails to and from England ?

(b) Do the Government in England bear any share ?

(c) If so, how much ?

**Sir Hubert Sams :** (a) to (c). The Honourable Member's attention is invited to the concluding sentences of parts (a) and (b) of the reply given to his starred question No. 603 on the 21st September, 1931.

#### CARRIAGE OF MAILS TO AND FROM THE STRAITS SETTLEMENTS.

84. **Mr. S. C. Mitra :** (a) With what company have Government made a contract for carrying the mails to and from the Straits Settlement ?

(b) What is the amount paid to the company ?

(c) Do the Straits Settlement authorities pay any share ?

(d) Is it a fact that under the contract the company has to carry the mails in steamers which run at an ascertained speed ?

(e) Does the said company carry the mails in such steamers ?

**Sir Hubert Sams :** (a) and (b). The Honourable Member's attention is invited to parts (a), (b) and (d) of the reply given to his starred question No. 603 on the 21st September, 1931.

(c) No.

(d) and (e). Yes.

#### PROCEDURE FOR ADMISSION TO THE POSTAL DEPARTMENT CO-OPERATIVE CREDIT SOCIETY.

85. **Mr. S. C. Mitra :** Are Government aware that the Government of Bengal have decided that a member of gazetted rank may join the Writers' Building Co-operative Society but will not participate in a loan ?

Do Government propose to follow a similar procedure in the Post Office Department ?

**Sir Hubert Sams :** Government have no information. The adoption of the principle suggested is already being examined by me.

#### RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

**86. Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that the Cordite Factory at Aravankadu is the only factory in India manufacturing cordite for the use of the Military Department and was at the time of the war employing as many as 1,200 men ; if not, what are the facts ? Has the factory come under retrenchment ? If so, how has the retrenchment been effected ?

(b) Will Government please state whether it is a fact that owing to retrenchment 116 workmen, of whom 13 men have put in service of between 10 and 20 years and 79 men of under 10 years of service, have been discharged without any gratuity being paid to them ?

(c) Will Government please state whether it is a fact that although many of these men have been working on the daily wage system and described as temporary establishment, they have been working in the factory for long periods of time ?

**Mr. G. M. Young :** (a) The answer to the first portion is in the affirmative. A number of temporary employees in this factory, as in other Ordnance and Clothing Factories, have been discharged, at least one month's notice being given in all cases.

(b) The figures given by the Honourable Member are correct, except that 23, and not 13, of these men have service of between 10 and 20 years. 24 of the discharged men have been given small gratuities from the Fine Fund. The question of granting further gratuities is under consideration.

(c) Yes.

#### RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

**87. Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that there has not been in the Cordite Factory at Aravankadu any system of provident fund or gratuity ? If so, why ?

(b) Will Government please state whether it is a fact that a Fines Fund was instituted in November, 1930, according to which gratuities so far as the funds permit may be granted out of the said funds to such of the workmen as are discharged owing to sickness or old age after long and approved service ?

(c) Will Government please state whether it is a fact that therein was provided only a maximum gratuity of six months' pay to a workman who has put in not less than 20 years of service or Rs. 720 whichever is less ?

(d) Will Government please state whether it is a fact that it was also provided therein that if the state of the Fines Fund would not permit of payment according to the full scale, the scale might be further reduced : if not, what are the facts ?

(e) Will Government please state whether it is a fact that fines not being frequent or heavy in this factory, there is only Rs. 375 or thereabout in the Fines Fund ; if not, what are the facts ?

**Mr. G. M. Young :** (a) A contributory provident fund was instituted in all Ordnance and Clothing Factories on the 1st April, 1931.

(b) No. The Fine Fund has been in existence for many years. Revised rules for the grant of gratuities from this Fund were published in November 1930. The object of these rules is as stated by the Honourable Member.

(c) and (d). Yes.

(e) Yes. The balance of Rs. 375 has been distributed among 24 of the discharged men.

#### RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

88. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that men of long service were suddenly discharged at the end of their career, in the Cordite Factory at Aravankadu ?

(b) Will Government please state whether they are aware that there was no saving to support them in their old age and no provident fund or gratuity to come to their rescue ?

(c) Will Government please state whether it is a fact that they submitted a memorial to the Master General of Ordnance Factories in India pointing out the above facts ?

(d) Will Government please state whether it is a fact that the Union in their memorial to the Master General of Ordnance Factories in India prayed that the discharged men may be treated in the same manner as the employees on the South Indian Railway, when they were retrenched about three years ago by the grant of one month's pay for every year of service ? Was this prayer granted ; if not, why not ?

(e) Will Government please state whether it is a fact that in reply to the Union's memorial, the Master General of Ordnance stated that gratuities would be paid so far as the Fines Fund permitted ? If not, what are the facts ?

(f) Will Government please state whether it is a fact that he also stated that the grant from army funds will be made to pay a gratuity to men who are 50 years old and over, on the following scale : 20—30 years of service 3 months' pay ; 30—35 years of service 6 months' pay ? If not, what are the facts ?

**Mr. G. M. Young :** (a) No. They were all given a month's notice of discharge.

(b) Government have already instituted a contributory provident fund. The question of the grant of gratuities to the retrenched personnel is under consideration.

(c) Yes.

(d) Yes. The memorial is receiving sympathetic consideration, but Government are unlikely to agree to so high a scale of gratuities as is suggested.

(e) and (f). Yes. The Master General of the Ordnance in India also stated that when sufficient funds were not available in the Fine Fund, a gratuity may be granted from Army funds to a discharged man of over 50 years of age.

#### MONTHLY AND DAILY RATES OF PAY AT THE CORDITE FACTORY AT ARAVANKADU.

89. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that distinction has been made between monthly paid and daily rated men in the Cordite Factory at Aravankadu ? If so, what are the distinctions and why are they made ?

(b) Will Government please state whether it is a fact that although they enjoy now a scheme of provident fund, casual and privilege leave, still they are called temporary ? If so, why ?

**Mr. G. M. Young :** (a) Distinction has been made only in matters of leave and pension. Monthly paid men get leave under the Civil Service Regulations and pension after 35 years' service, subject to certain conditions being fulfilled. They are entitled to one month's notice of discharge under the Civil Service Regulations.

Daily-rated men get leave under separate rules and ordinarily are not eligible for pension. They are not entitled to any notice of discharge.

(b) Yes, because of the fluctuating nature of their work which depends on the extent of orders placed on the Factory.

#### GRATUITIES FOR RETRENCHED MEN AT THE CORDITE FACTORY AT ARAVANKADU.

90. **Mr. C. S. Ranga Iyer :** (a) Will Government please state whether it is a fact that the gratuity intended to be paid out of the fines fund in the Cordite Factory at Aravankadu was meant to cover only cases where an occasional case might arise in normal times ?

(b) Will Government please state whether it is a fact that the Labour Union has applied to Government that special funds must be found in making reparations, and gratuity be paid to the retrenched men at least equivalent to a month's pay for every year of service as is done on State Railways, out of the army funds ; if the answer is in the affirmative, do Government propose to sanction this special fund ; if not, why not ?

**Mr. G. M. Young :** (a) Yes.

(b) Yes, but as already stated Government are unlikely to agree to the suggested scale.

#### STATEMENT OF BUSINESS.

**The Honourable Sir George Rainy (Leader of the House) :** You will remember, Sir, that in the statement I made on Friday last about this week's business I said that it might be necessary for me to ask you to direct that the House should sit on Friday of this week. That necessity, Sir, has now arisen. If you make that direction, the business which we shall put down will be in the first place business on to-day's list, not concluded when we rise

12 NOON.

this evening, and, secondly, the motion to take into consideration the Press Bill as reported by the Select Committee. I believe, Sir, that Members are in the main agreeable to taking this motion on Friday, but I am of course aware that, if any Member takes objection, we shall not be able to proceed with that motion on Friday unless you, Sir, suspend the Standing Orders. I should like to make it clear that Government will not ask you to do this unless it appears that we have the feeling of the House with us.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : What will be the position on Friday ? I have no objection to the Bill being taken up on Friday, but the business which will not be concluded to-day will be taken up on Friday, and after disposal of that business there will be very little time left for this Bill.

**The Honourable Sir George Rainy** : I should like to explain that we shall put the Press Bill first on the paper.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I will agree to this course provided we are not asked to work on Saturday.

**Mr. President** : The position has been clearly explained by the Honourable the Leader of the House. Government are putting this item on the Agenda Paper on Friday. Whether it will be considered or not will depend upon the suspension of the Standing Orders by the Chair. The Chair will only suspend the Standing Orders and enable the Press Bill to be brought forward two days earlier if there is a consensus of opinion in the House to that effect.

#### THE FOREIGN RELATIONS BILL—*contd.*

**Mr. President** : The House will now resume discussion on the motion that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Government of foreign States, be taken into consideration.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, to continue my speech on my motion for circulation. Many of our friends and relatives have left their homes to settle permanently in various parts of the world, i.e., in Africa, Ceylon, and other foreign States. There are others who have left their mother country temporarily to earn their living in those countries. The rights and welfare of these are by no means subjects about which we can afford to be indifferent. So many times their rights as Indians have been seriously molested by the foreign Governments.

Sir, if this Bill becomes an Act, it will deprive us of one of our most effective means of protest against the ill-treatment of our countrymen at the hands of foreign Governments. Besides, the interests of the Indian Mussalmans are very much allied to those of their brethren in Hedjaz, Turkey, Afghanistan, Africa, etc., and they can never remain indifferent to the sorrows and troubles of their co-religionists in those foreign countries. This Bill is a serious encroachment upon the liberties of the Muslims of India and seeks to prevent them from voicing the discontents of their brethren or from censuring and protesting against the maltreatment meted out to them by the Government of those countries.

Sir, the Statement of Objects and Reasons says :

"The English common law punishes such libels on the ground that they imperil the peaceful relations of His Majesty with foreign States."



[Mr. M. Maswood Ahmad.]

But I find in clause 2 of the Bill, the wording is :

“unfriendly relations between His Majesty’s Government and the Government of foreign State.”

Again, at the time of introducing the Bill the Honourable the Foreign Secretary said :

“No matter how malicious, how gratuitous, or how false those attacks might be, or how disastrous the consequences of them might be to the country concerned, the Government of India was impotent.”

Then he said :

“Against such consequences the rulers of these States have a right to be protected.”

Now, Sir, I think foreign States includes Indian States also.....

(Several Honourable Members : “No, no. That has been made clear by the Foreign Secretary.”)

Some of my lawyer friends told me that it goes so far. If a man goes to Mecca and comes back from that place and says that he had troubles there and the Government of Mecca was not good and did not treat him well, then under this Bill that man can be proceeded with. So, we cannot say a single word against any one.

Sir, the Bill which is before the House intends to gag the Press for expressing its true and unbiassed opinion on foreign matters, while the one which was discussed a few days ago prohibited the fair criticisms on affairs connected with this country. It is impossible even to imagine how a Press can be called a free and independent Press when legislation denying it the privilege of expressing its views is brought forward both for foreign as well as Indian matters. Sir, the Government move is very nice according to their point of view. Government have divided the old Bill into two parts and want to divide the opposition in this way. Sir, it has always been seen that a free Press is an eye-sore and an inconvenient factor for the Government of India and they are bent on forging new weapons for their armoury to put the free activities of the Press in India to an end. I do not know when such a state of affairs will be over and the Government will recover its senses. We are told that the Foreign Relations Bill has been devised merely to prevent libels against the heads of foreign States, but I say with all the force at my command that this is not the true object of this malicious Bill. It is simply intended to check the free and fair criticism which I believe is no offence at all. To libel against the head of a foreign State is altogether a separate thing from that of expressing true opinions. The Foreign Secretary has given so many instances in this connection, but I say that it is not a true picture of the real affairs. For the sake of argument only, let it be granted for a moment that there are a very few papers which are bent upon such activities, and if the Government so desire, they can always take such action as they consider necessary under the ordinary law of the country. In that case it is all the more unnecessary for Government to place this legislation permanently on the Statute-book.

With these words, Sir, I move the motion standing in my name.

Mr. President Motion moved :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932.”

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, as I have given notice of a similar motion and as I wish the Honourable the Foreign Secretary to see that the Bill as it is drafted is not in accordance with the English law, in other words, it goes against the spirit of the English law, I wish to offer a few observations in a friendly spirit. If the Honourable the Foreign Secretary will turn to Russell on Crimes he will find that so far as foreign potentates and Heads of States are concerned, the English law punishes a British subject only in three cases and in no other, namely, when one compasses or counsels murder of a foreign Sovereign or the head of a foreign State, secondly, if there is a conspiracy to commit murder of the head of a foreign State ; and thirdly, cases of libel upon a foreign State which would correspond to cases of defamation of the head of a foreign State. These are the only three cases known to the common law of England in which the tribunal would punish the delinquent. I get these facts from Russell on "Crimes and Misdemeanours", Volume I, page 299 and page 793, *et seq.* That being the case I do not think it is quite correct to state that the Bill in hand is intended to bring Indian law into conformity with English law. As regards the previous history of the Indian law, the Honourable the Foreign Secretary said that his distinguished predecessor, Sir Denys Bray, had introduced in this House in 1928 a similar Bill intended to amend section 505 of the Indian Penal Code. May I just remind the Honourable the Foreign Secretary that even that short Bill of 1928 was more in conformity with English law than the Bill which he wants this House to take into consideration to-day. As Honourable Members may not have a copy of that Bill before them, I venture to read the operative clause of that Bill. It says that in section 505 of the Indian Penal Code after clause (c) the following clause shall be inserted, namely :

"with intent to promote or which is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State."

The Honourable the Foreign Secretary has referred to the stubborn opposition this Bill encountered upon its introduction in this House, and I feel that though we may not be numerically strong we shall not be lacking in the stubbornness of the opposition which we shall offer to the Bill as it is drafted to-day, as it was offered in the year 1928. If Honourable Members will turn to clause 2 of the present Bill, which is the operative clause, they will find that it reads as follows :

"Whoever makes, publishes or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote, unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years or with fine or with both."

My legal friends will at once see that the criminality, or the *mens rea* in this case does not depend upon the offence but upon the effect it is likely to produce upon any foreign State. The crux of the criminality of this offence therefore must vary in each case. We may have the head of a foreign State who may be more sensitive to criticism than the head of another State and it is the resultant effect upon the foreign State that will determine the criminality of the offender. Sir, I submit that is a serious defect in the Bill. If you really wish to punish a person for libelling the head of a foreign State then you have no difficulty in defining your offence. In 1923, an Act was passed, popularly known as the Princes' Protection Act, the language of which seems to me to be more in conformity with the spirit of English law than the language of the Bill in hand. In this Bill

[Sir Hari Singh Gour.]

which was certified by Lord Reading and which I may point out was thrown out upon its introduction in this House, showing how jealous guardians of popular rights are the Members of this House and have been in previous Assemblies, the language was couched in the following terms :

"Whoever edits, prints or publishes or is the author of any book, newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards any Prince, or Chief of a State in India or the government or administration established in any such State shall be punishable with imprisonment which may extend to five years or with fine or with both."

What is laid down here is that the offender shall not intentionally commit an offence, excite disaffection or do the various other things which constitute the offence. It is a sufficient notice to the offender that he must possess the *mens rea* or the criminal intention of a particular character and he must avoid any reference to the Prince which would have the effect of causing disaffection or bringing into hatred or contempt. I can well understand the meaning of the words "hatred, contempt or disaffection", and if you tell the conductor of a newspaper in India that you shall not, by your language, bring into hatred or contempt the head of a foreign State to the same extent that you shall not bring into hatred or contempt the head of an Indian State, there would not be a close analogy between the present Bill and the Princes' Protection Act of 1923, but there would be a closer analogy between the Indian law and English law, but as I have submitted, clause 2, which is the operative clause of the Bill, is so widely worded that it takes no note of your intention or of your knowledge. It concentrates upon the effect it is likely to produce upon the aggrieved party. You may have a noble intention. You may be inspired by the most patriotic of motives, but if the effect is to produce or there is any likelihood of producing an unfriendly relation, apart from your intention and knowledge, it will imperil your liberty. That, I submit, is a vicious principle. Sir, only last Sunday I was reading the *Statesman* newspaper, and curiously I find the following passages in that newspaper. It is dated 20th September, 1931, on page 19. Let me read a very short passage to Honourable Members. It says :

"Over two thousand years ago Aristotle drew the classic features of the tyrant and there is little in his terrible sketch to which Mussolini does not conform :

To build up one's personal power by ruthless and unqualified repression,  
To slay or banish the best citizens of the commonwealth,  
To render dangerous by espionage all freedom of intercourse,  
To forbid all association for intellectual or social purposes,  
To devise vast enterprises, whether of peace or war,  
To keep the people occupied,

To inspire the rich and poor with a distrust of each other, and confidence in himself, siding always, when choice must be made, with the stronger.

Is there any element in this portrait which is not recognizable as a picture of the present Italian regime ?

Then, after saying very many nasty things about Mussolini and painting his picture black (Laughter), we find the following closing lines :

"Tyranny such as Mussolini's softens the moral fibre of a people."

(Mr. K. Ahmed : "Hear, hear.")

Sir, if there is one man in this world who will feel dissatisfied with the Government of India upon reading this castigation of himself, it is Mussolini. (Hear, hear.) Are the Government of India prepared to prosecute the writer of this article? (Mr. S. C. Mitra: "This is Anglo-Indian Press.") Further, Sir, my Honourable friend's predecessor in office, Sir Henry Dobbs, on that very page, writes, and what does he write? He wrote an article in the London *Daily Telegraph*, and he says that the world is now full of tyrants. (An Honourable Member: "Full of what?") Tyrants. I will read to you some more extracts:

"Non-hereditary tyranny is of its essence unstable, since it depends on one man's life and energy. His death or weakness may at any moment leave his country without a head and throw it into chaos, which must affect its neighbours and cause storms over the whole surface of world-politics."

Let us turn to a rapid survey of the 'Ten Tyrannies', taking them from West to East. They are Portugal, Italy, Poland, Hungary, Russia, Turkey, Arabia, Irak, Persia and Afghanistan."

I am quite sure, Sir, that the heads of these States will be extremely angry with my Honourable friend's predecessor in office for having characterised them as tyrants and giving a column and a half to showing what sort of tyrants they were. If, therefore, you judge the criminality of a crime by the susceptibilities of the person against whom criticism is directed, you punish the man not for what he has done but for remotely wounding the susceptibilities of another person of which he may know nothing. A fair criticism of the ruler and the ruled, a fair criticism of the oppression and tyranny of people, herein lies the birthright of every man and every citizen (Hear, hear); and if a newspaper is to be mulcted for such criticism—whether it be of a neighbouring Indian State or of a foreigner beyond the seas is immaterial—I submit the liberties of the Press in India would be seriously encroached upon and the Press would be placed in a position of great jeopardy if you were to make them the victim of the fancies and whims of foreign potentates,—and it is this that this Bill proposes to do.

Sir, I have shown to Honourable Members that this Bill is not in accordance with the English law. I have shown to Honourable Members that this Bill is not in accordance with the provisions of the law which they themselves enacted relating to Indian States. I have shown, Sir, that this Bill would place an embargo upon fair criticism and would place the keepers and printers of newspapers in this country at the abject mercy of the executive Government. The Honourable the Foreign Secretary knew what was passing through the minds of the Honourable Members on this side of the House, and in the very opening words of his speech he said, "Don't you for a moment think that my Bill is going to deal with Indian States". My Honourable friend presumably has not consulted his legal advisers as to what would be its legal effect. I quite admit that that is the personal view of the Foreign Secretary, and it is entitled to great weight. But may I remind him as to what is laid down in the Foreign Jurisdiction Act, section 16? The expression "a foreign country" means any country or place out of His Majesty's Dominions", and does the Foreign Secretary not know that it is under the Foreign Jurisdiction Act that he extends the British Indian laws to Berar, which is a leasehold from His Exalted Highness the Nizam of Hyderabad? Sir, so far as this Bill is concerned, it may possibly extend to the Indian States unless you make it clear that it does not. Are the

[Sir Hari Singh Gour:]

Indian States foreign territories or not? My Honourable friend nods his head that they are not. I say you have here the Foreign Jurisdiction Act (*An Honourable Member* : "And also the judgments of the Indian States are judgements of a foreign court.") and you have heard, as my Honourable friend pointed out, that all the judgments of the Indian States are the judgments of a foreign court. You cannot by a mere *ipse dixit* say that the Indian States would be excluded; and until you have excluded them by not merely a remote implication, but by an Act in terms excluding them from the purview of this Act, the position remains as I have stated. My Honourable friend who spoke last said that he had consulted lawyers and that they are of opinion that this Bill would be construed in a court of law as not only extending to foreigners outside the frontiers of India, but also to foreign States within the confines of India. You have therefore to make it plain that it is intended to apply only to foreign States outside the borders of India. I have therefore shown, Sir, that this Bill is very seriously defective. It is not a hasty production. It was on the brain of two Foreign Secretaries, Sir Denys Bray and my Honourable friend Mr. Howell. They have been cogitating over the terms of a Bill of this character. The Bill of 1928 was thrown out by this House because it was a seriously defective Bill, and we then pointed out that if you really wish to circumscribe the liberty of the Press in this country, you have to make good your claim that you are only coping with the mischief and that the scope of the Bill should not be too wide to let in an unwary innocent. Sir Denys Bray was not able to frame a piece of legislation which would satisfy the Assembly of 1928. After three years or more we have the present Bill, and as I have pointed out it is honeycombed with defects,—defects from beginning to end; and I am surprised that this small mouse has come out of this colossal mountain after three years of labour. Surely, Sir, I should have expected the Foreign Secretary to read up the proceedings of 1928 and the criticisms that were directed against that Bill, and he would have immediately told his legal advisers that what he really wants is to punish a libel or conspiracy to commit murder or murder upon foreign States or upon heads of foreign States and by doing so we shall be holding fast the sheet-anchor of English law. He could say, "Here is the English law clear on this point and we wish to arm ourselves with a similar power so that we may not perchance come to open hostility with a neighbouring State on account of a libel uttered by one of our subjects". I am quite sure that if the Bill had been drafted in that way and limited to that extent, there would have been no opposition from these Benches. But the Bill as it is, if I may be permitted to say so concentrates and localises all the defects of the previous Bills, all the defects that a Bill of the Imperial Legislature can possibly contain, and it would leave entirely to the executive Government to decide whether a man should be punished or not. The Foreign Secretary said that under the Princes' Protection Act of 1923, no person shall be proceeded against unless a complaint is made against him by the Governor General in Council, and quite unconsciously I hope, he said that we have made the same provision in this Bill.

Mr. E. B. Howell (Foreign Secretary) : I did not say that.

Sir Hari Singh Gour : Oh, very well. Well, in a case of the Princes' Protection Act no prosecution is to be launched except on the complaint

of the Governor General in Council. A prosecution under this Bill might be initiated,—mark the words in clause 3,—“ by the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf ”. I know, Sir, what these officers are. These officers may be a District Magistrate or a District Collector, a District Superintendent of Police, or he may be some sub-sub-sub-Director of the C. I. D. Thus you take *carte blanche* to prosecute anybody and you give *carte blanche* to any officer of Government to launch this prosecution. Sir, the other day I was reading a very interesting book written by the present Chief Justice of England, Lord Hewart. The title of that book is “ New Despotism ”, and he was there pointing out how the executive have encroached upon the power of Parliament. Sir, some of us may well write another companion volume of “ New Despotism ” in India, of how the executive have encroached upon the domain of the Legislature by giving themselves ample and plenary powers and depriving the Legislature and the judiciary of their legitimate functions. This is one of those cases in which any officer of the Government may launch a prosecution on a likelihood. Who is to be the judge of that likelihood ? I ask the Foreign Secretary to tell me what he means by “ anything which is likely to promote unfriendly relations ”. I ask the question, who is to be the judge of this likelihood ? The officer launching the prosecution, and he will say to the court, “ I think that the statement of this accused is likely to imperil the relations of the Government of India with the head of a foreign State ”. If I had the liberty of calling that head of the foreign State, he might say, “ Oh, I enjoyed the reading of that article, it was such a humorous article. I do not in the slightest degree apprehend that there will be any breach in the friendly relations between myself and the Government of India ”. You ask your officers, you ask your Judges to consider what are likely to be the feelings of a foreign potentate, and that is to be the whole judgment. I do not know if the Foreign Department have devised some scheme of thought reading so that they might be able to choose an expert thought reader who might come into court and say, “ I know what is passing through the convolutions of the brain of the head of that particular State ”.

**Mr. C. Brooke Elliott** (Madras : European) : Does the Honourable and learned Member suggest that that would be evidence in a court of law ?

**Sir Hari Singh Gour** : Expert evidence. Well, Sir, if such a thing were done I could understand it. But the Bill as it is framed leaves the question of likelihood, which means the state of mentality of the head of a foreign State, to be judged without recourse to that foreign State, without examining the head of that foreign State, without asking him what he thinks about it, but merely because that is a likelihood which passes through the brain of one of the accredited officers of the Government of India. I ask the Foreign Secretary, can he justify a Bill of this character ? Can he say that a Bill of this character could possibly have been passed and placed on the Statute-book of India in 1928 ? And whatever may be the change in the complexion of the Legislative Assembly in 1931, be sure that this Assembly is jealous of the rights of the people and would not allow a Bill of such a retrograde character to find its way upon the Statute-book.

I do not wish to labour this point but I would ask the Honourable the Foreign Secretary, if he is anxious to improve this Bill, to obtain the

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gratuitous services of volunteers on this side who will be able to help him and make this Bill more workable than his own Department has been able to do. I wish that some one of my Honourable friends had given notice of a motion to refer this Bill to a Select Committee ; and if the Honourable the Foreign Secretary will accept that motion, he will get the co-operation and assistance of Members on this side of the House to put this impossible Bill into shape and make it a workable piece of Indian legislation, something upon the lines of the English law and something upon the lines of the laws of other countries to which the Honourable the Foreign Secretary had made passing allusion in his extremely interesting and eloquent speech. Sir, I do not wish to labour this point any further, as I have said ; but I cannot help feeling that there is a dissonance between the Statement of Objects and Reasons which he has appended to the Bill and the draft Bill itself. I would ask Honourable Members of this House to turn to the Statement of Objects and Reasons and they will see that while he has correctly stated what the English common law is, and while he wishes to reproduce the stereotyped English common law in the Statute-book of India, when he drafted or had drafted or got drafted section 2 of the Bill, the draft entirely overlooked the provisions of the English law and the Statement of Objects and Reasons, by which that clause is purported to be justified. If Honourable Members will turn to the Statement of Objects and Reasons, they will find this :

“ It is a recognised principle of international law that States in their relations with other States are responsible for acts committed by persons within their jurisdiction. In accordance with this principle, most modern systems of law have made provision for the punishment of libels against the heads of foreign States.”

**Sir Lancelot Graham** (Secretary, Legislative Department) : Read the next sentence.

**Sir Hari Singh Gour** : Yes. :

“ The English common law punishes such libels on the ground that they imperil the peaceful relations of His Majesty with foreign States.”

Any more to be read ?

**Sir Lancelot Graham** : That is just what I wanted.

**Sir Hari Singh Gour** : This statement is a perfectly correct enunciation of the English common law, of the international law, namely, that the law of the world is to punish libels, which means defamation, as defined in section 500 or rather section 499 of the Indian Penal Code. But you have given a go-bye to the very principle you said you were going to enact in section 2 of your Bill. Is there a word of libel, is there the very savouring of libel, is there any statement which in the remotest degree could establish a kinship with libel ? I therefore submit that the Statement of Objects and Reasons must have been written by some one different to the gentleman who drafted this Bill. The two seem to be so absolutely antagonistic that I cannot believe that the two should have flown from the same pen. Honourable Members will see that I am not misrepresenting them. See the opening lines of the last sentence of the Statement of Objects and Reasons :

“ The Bill is intended to bring the Indian law into line with the English common law.”

Nothing could be clearer. You cannot get away from the fact that, what you want to do is to extend the provisions of the English common law to

this country and you have said that the English common law punishes libels upon foreign States. Therefore, you by your own statement should have provided for the punishment of libels in the operative clause of this Bill. But you have done nothing of the kind, and I am astounded that any draftsman in the Government of India should justify the provisions of clause 2 as being in consonance with the Statement of Objects and Reasons by which that clause purports to be justified. I say, Sir, therefore, that it is impossible for this House to take into consideration this extremely defective Bill, and the least we can do and the least we are prepared to do—and I make an offer to the Honourable the Foreign Secretary—is, if he is prepared to accept our motion, to go to the Select Committee. He will be doubly blessed. He will lose no unnecessary time and at the same time he will get from the Opposition Benches that co-operation and constructive criticism without which he and his Department have been unable to fashion a workable Bill during the last three years.

Sir, I cannot sit down without referring to the appeal which the Foreign Secretary has made. He was good enough to give me in confidence copies of certain judgments. I have read them and I feel strongly, as strongly as he does, that he must put down this libel upon foreign States without remorse and without compunction. But at same time if the Honourable the Foreign Secretary will give us an opportunity to define the law and to limit it to the mischief which it is intended to safeguard, we shall be perfectly willing to help him. He might say that the session is now drawing to a close and if the Select Committee is to meet, it is not likely to finish its labours within the next few days when we shall be occupied with another Bill of a similar retrograde character. He might therefore ask, if this mischief is to continue between now and our assembling at Delhi, what provision do we make to arm the Government of India with power to prevent a recrudescence of this mischief. My reply to that is two-fold. If the Foreign Secretary wishes that he should have a workable Bill, I can offer no other alternative. If he had asked us in the January Session that he wanted to provide for a piece of legislation dealing with libels upon foreign States, we should have assisted him at that time and if he has come at the far end of the session to ask for our co-operation, it is not our fault, but his, in that he has not given us sufficient time to reframe or redraft the whole Bill and the whole Bill will have to be redrafted so as to bring it into conformity with English common law. Meanwhile the Honourable the Foreign Secretary knows that there is such a thing as an ordinance. He has issued an ordinance and that ordinance was as badly worded as this. This shows with what care the Honourable the Foreign Secretary frames ordinances to circumscribe the liberties of the people. If there is one thing which this part of the House strongly resents more than any other, it is the promulgation of loosely worded ordinances which are afterwards brought up before this House to be permanently placed upon the shrine of their Statute-book. This is loose language with which you have come up before us, exactly as you did in connection with the Press Bill. Loosely worded sections, some of them meaningless, a great many of them ambiguous, were drafted and hurled at us on the ground that the whole country was in danger unless we passed it. That is the situation into which we have been launched by the Honourable the Foreign Secretary. Our responsibility is to help the Government so far as the Government seem to be right, and to resist them when we know that they are wrong. This is one of those occasions when Members of all interests and



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in all parts of the House who have any responsibility to their constituencies will foregather to resist a serious encroachment upon the liberty of the Press. I oppose the consideration at this stage.

**The Honourable Sir C. P. Ramaswami Aiyar** (Law Member) : Mr. President, I suppose I ought to rise in fear and trembling as the champion of that mouse which according to the Honourable the Leader of the Opposition the mountain has laboured to produce. My Honourable friend was very strong in his characterisation of the language of this Bill, and he drew a very lurid contrast between the Bill and the Statement of Objects and Reasons. He was good enough to assure the House that if the co-operation and the assistance of Honourable Members on the other side of the House were secured, this hopelessly formless measure would be put into proper form. I think I am in a position to say this : that Members on this side of the House always welcome the co-operation especially of such trained lawyers as the Honourable the Leader of the Opposition in regard to a legal matter ; and I think on behalf of my colleagues I can say that the Government do not intend to oppose any Resolution designed to place this matter for consideration before a Select Committee.

Having said that, I think it yet remains for me to justify ourselves in view of the sweeping denunciations which emanated from the Honourable the Leader of the Opposition, both with regard to the content and the form of this Bill. He was especially strong on the Foreign Jurisdiction Act. I am afraid he did less than justice to himself with regard to the comments that he made on the application of the Foreign Jurisdiction Act. May I, with the permission of the House, talk shop for a moment especially as that procedure was not originated by me but is a feeble imitation of the procedure of my Honourable friend. In the Statement of Objects and Reasons of the Foreign Jurisdiction Act, what is stated ?

“Whereas by treaty, capitulation, grant, usage, sufferance and other lawful means, Her Majesty the Queen has jurisdiction within diverse foreign countries and it is expedient to consolidate the Acts relating to Her Majesty's exercise of jurisdiction out of her dominions,—(*mark the words*)—the object of the Foreign Jurisdiction Act is to enable Her Majesty to exercise jurisdiction over certain categories of subjects and persons who are outside the technical ambit of Her Majesty's jurisdiction.”

That having been stated, what does the Act propose to do ? When a foreign country is not subject to any Government from whom Her Majesty might obtain jurisdiction Her Majesty may by virtue of this Act have jurisdiction, etc., etc. The particular matter to which advertence was drawn by my Honourable friend arises out of section 16 of the Foreign Jurisdiction Act. In this Act the expression “foreign country” means any country or place out of Her Majesty's Dominions. What does that mean ? For the purpose of the Act, for the limited purpose of the Foreign Jurisdiction Act, certain places outside British India, including the territories and dominions of the Indian princes, may be dealt with as if they were foreign countries ordinarily so-called and known. In other words, as my Honourable friend, that very expert lawyer, will realise, for the purpose of a particular Act a procedure is adumbrated which would have operation for the purposes of that Act and that limited purpose. But I do not wish to go into those technical matters any further.

Let me place before you clause 2 of the Bill. What does it say ? “Whoever makes, publishes, etc., unfriendly relations between his Majesty's Government and the Government of any foreign State.....” I am

making a very few observations arising from what fell from my Honourable friend relating to the possible applicability of this Bill, unless it is amended and improved by the co-operation of the other side, to the Indian States. My point is this : that under no circumstances can the Bill as framed or drafted have any the remotest reference to Indian States. The reason is this : whatever the relations between the Indian States and the paramount power may be, by virtue of treaty or usage, there is no doubt that the suzerainty of India, British and Indian India, is vested in His Majesty the King Emperor.....

**Sir Hari Singh Gour :** Does the Nizam admit that ?

**The Honourable Sir C. P. Ramaswami Aiyar :** And the Nizam has had an answer. I do not wish to pursue that matter, because my Honourable friend will realise that this is not a matter which demands further discussion on the floor of this House and it is also not expedient to bring those matters for discussion here. I knew that my friend allowed that expression to escape him and if a rejoinder escaped me, let us both forget the answer and the question. After having said that, I shall now proceed. Whatever the exact details of the relations between the Indian States and the paramount power may be, the relation of suzerainty does exist. That existing, there is no question that no unfriendly relations can arise in the sense in which that expression is used here. "Unfriendly relations" is ordinarily understood as between two powers, great or small, between whom the doctrines of public international law apply ; and it is well known that although for certain purposes of international law the relations with Indian States are assimilated to those with foreign countries, yet the doctrines of public international law, in so far as independent international entities are concerned, such as the right of declaring war or peace, the right of making separate treaties, do not apply to the Indian States. I do not wish to pursue this matter further ; but as a humble student of international law and speaking subject to correction by my friend or those who have bestowed greater attention to this subject, I venture to assert with some emphasis that this Bill will not bring within its connotation the Indian States.

I next proceed to deal with the divergences, the startling divergences, between the Statement of Objects and Reasons and the Bill. On this let me say just one thing and conclude. I take it that my Honourable friend will realise that the American law is a law enacted by a freedom-loving race, bred up in the highest and the most sublimated forms of liberty. What is the American law on this subject ?

**Sir Hari Singh Gour :** What is the Statement of Objects and Reasons—English Law ?

**The Honourable Sir C. P. Ramaswami Aiyar :** My humble endeavour

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is to show that the American law is the English law, the English law is the Statement of Objects and Reasons, and the Statement of Objects and Reasons is the Bill. My Honourable friend may nod his head, but I venture to differ from him.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhamadan) : It is not so.

**The Honourable Sir C. P. Ramaswami Aiyar :** It is easy for my friend opposite to say it is not so, but my very humble endeavour is to show that it is so. Let me proceed. The words "seditious libel" are used in

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a kind of special sense under the English law, but the gist, the kernel of the matter is this, "Any conduct in one of our citizens, or in a foreigner within our borders is punishable—which tends to involve our Government in difficulty with a foreign power". That is the statement of the law on the subject as enunciated in Bishop's Criminal Law, which my Honourable friend would be the first to admit is a leading text-book and the recognised text-book in American Federal and State Courts....

**Sir Hari Singh Gour :** The language used is "tend", but does it mean likely ?

**The Honourable Sir C. P. Ramaswami Aiyar :** My Honourable friend would have heard that discussion elsewhere, and I take it he will continue that discussion here. Let us have that matter thrashed out if necessary in Select Committee. But at the present moment I am concerned with the fundamental legal position, which is this, that in America "Any conduct in one of our citizens, or in a foreigner within our borders is punishable which tends to involve our Government in difficulty with a foreign power". And mark the words that follow, "The offence, with us, would be against the United States, not the State; and should be indictable in the United States courts without the aid of a Statute but such is not common professional understanding. Under the English unwritten law it is so". And then—"endeavours to create a revolt against a government in amity with ours, libelling a foreign prince or other person in official station abroad....." or if necessary against the law of nations. Thus, therefore, the American law with which I start is that endeavours to embarrass the relations between America and a foreign power, to libel the head of a foreign State which would have the result of such an embarrassment are within the common law, and my Honourable friend will realise that the English common law is assimilated bodily under the American common law excepting the extent to which it is modified by the innumerable statutes which diversify and adorn the American Statute-book.

Then my Honourable friend referred to Russell and made some scathing remarks, but at page 299 of Russell, which again is the standard treatise on the subject,—I do not desire to quote Law Reports and text-books more than absolutely necessary in this House,—but let me just point out one passage :

"Upon the ground that malicious and scurrilous reflections upon foreign sovereigns or their representatives may tend to involve this country in disputes, animosities and warfare, it has been held that publications tending to degrade and defame such persons are indictable."

And Russell uses the word "tending", and therefore it is permissible for the humble Indian Legislature also to indulge in the luxury of using the word "tending" :

"Thus an information was filed, by the command of the Crown, for a libel on the French Ambassador at the British Court, consisting principally of angry reflections on his public conduct and fitness, and charging him with ignorance in his official capacity....."—

an attack upon a French Ambassador for being unfit for his office was held to come within the ambit of the common law of England for the reason that such attacks, if encouraged, would embroil the two countries. Mr. President, I do not desire to embark on a further discussion on this matter. All that I desire to point out is that the Statement of Objects and Reasons

is a summary of the English law, and that has been admitted by my Honourable friend. The Bill says this—"likely to promote unfriendly relations". The words "seditious libel" are not used, but what we do is that we go further and deeper into the matter and point out that the mischief sought to be eradicated and to be combated is the promoting of unfriendly relations. I submit that this is in essence what my Honourable friend wants to achieve, and I therefore suggest that he will be satisfied with the assurance which I am in a position to give, namely, that Government have no objection to take the Bill to the Select Committee where my friend will have ample opportunity for bringing to bear upon this Bill all that capacity for draftsmanship and for accurate expression which I have no doubt will be utilised for the benefit and advantage of this Bill and the House.

**Mr. President :** I should like to ask, before the discussion proceeds further, whether the intention of Honourable Members is to continue the debate on the circulation motion or whether it should be withdrawn and a motion for Select Committee may be put.....

**Several Honourable Members :** Circulation, Sir.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, both my friends Sir Hari Singh Gour and the Honourable the Law Member have not dealt with the question as to the necessity for the circulation of the Bill. There cannot be the least doubt that the Bill is a most important measure creating a new offence, according to the case of the Government itself, unknown to the Penal Code of the country. Nor can there be the least doubt that it is likely to affect the liberty of the Press in so far as comments on foreign affairs are concerned. If you look at the history of the measure, you will find that this measure or practically the same measure was attempted to be brought forward in 1928, and it met with strenuous opposition in this House, so that in the end it had to be dropped. Does that show that this is a non-controversial and simple measure to be rushed through the House in this fashion ? My friend the Foreign Secretary has treated it as an absolutely non-controversial, innocent measure which has to be only placed before the House to be passed, forgetting its previous history, forgetting that the Assembly had refused to pass such a measure before. So far as the English law is concerned, I must say that I am very much surprised to hear from the Honourable the Law Member that what is sought to be enacted here is the same as the English law. It is nothing of the kind whatever. I shall refer him to Sir James FitzJames Stephen's "Digest of the Criminal Law". Sir James FitzJames Stephen is not unknown to India. He was one of the greatest authorities on criminal jurisprudence that England has ever produced, and mind you, he was one of the severest criminal judges that sat on the English Bench. You will find that in Article 133 of the "Digest" at page 96—you will excuse me if I have to refer to this book—this is what he says :

"Foreign Affairs. Every one is guilty of misdemeanour who publishes any libel tending to degrade, revile, or expose to hatred or contempt any foreign prince, or potentate, ambassador, or other foreign dignitary with intent (*not merely 'likely to'*) to disturb the peace and friendship between the United Kingdom and the country to which such person belongs."

Now, there is a vast difference between the law of libel and the law as it is sought to be enacted here. Here it is promoting unfriendly feelings. Libel is something definite, some allegation against some particular person

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which is likely to degrade or to bring that person into contempt. "Promoting unfriendly relations" is as vague as it can possibly be. Where is the analogy between the two? And might I draw the attention of the Honourable the Law Member that "intention" is something different from what is likely to happen? It is the *mens rea*; it is the criminal intention that is to be punished, that is the gist of the English law. The man must publish the libel with a particular intent, not that he publishes something and that is likely to bring about certain result in the opinion of a Magistrate or any other judicial authority. No. He must have that intent, that must be his object in publishing the libel. Is there not a vast difference between the two things? A man may be perfectly innocent, he may say something, for instance, about Mussolini, or the king or potentate of a neighbouring state or power, perfectly innocent, he might have meant good to him, he might have pointed out that he is putting himself in a difficulty with his own subjects by certain measures, and he may be perfectly right. His intention may be perfectly innocent, but under this Bill he will be punishable.

**Mr. C. Brooke Elliott :** Stephen's Digest is not an enactment of Parliament. It is only a digest.

**Sir Abdur Rahim :** I never said it is an enactment. I used the word enactment in connection with this Bill which is sought to be placed on the Statute-book. I do not think my Honourable friend has followed me properly. Therefore, anything which is published, which in the opinion of a Magistrate—the Magistrate may not be a lawyer; most of the Magistrates in this country are not lawyers, they are partly executive authorities and partly judicial, something of a mixture unknown to other countries—if in his opinion any publication, however innocent the intention, however meritorious the intention, is likely to promote unfriendly relations, he is liable to be brought under this enactment. Will my Honourable friend the Law Member point out any English law which has a provision to that effect? What is this English law? It is an old, obsolete thing. The last prosecution was in 1803, and so far as I can find, there have been only four cases, one in 1764, one in 1778, of another I forget the exact date, and the last one was in 1803. What is the state of things all over the civilised world? Every newspaper has comments every day on foreign affairs. Do you mean to say that these papers are liable to be prosecuted for libel or for disturbing the relations of His Majesty's Government with foreign powers? Most certainly not. This is so not only in England but all over the Continent.

Now, Sir, the Honourable the Foreign Secretary has given us many assurances. But may I tell him that these assurances are of no use whatever in the interpretation of a statute. If he will just ask his colleague the Law Member he will tell him at once that these assurances are of no use whatever. He or the Law Member or the entire Government Benches may give us any assurances they like in the course of this debate, but every lawyer knows that that is of no use in interpreting a statute. Now, for instance, we are told that this statute will not apply to Indian States. Well, we have heard two conflicting opinions, one from Sir Hari Singh Gour, undoubtedly a very well read lawyer, and a very able lawyer of great distinction, and another from an equally distinguished lawyer, the Law Member,—they do not agree. Are we going to decide who is right?

Most certainly not. I am afraid even between these two such distinguished lawyers the ordinary Magistrate will have to decide, and how is he to decide? He will have to look into the statute itself. What is there? He will be confronted with the Foreign Jurisdiction Act with regard to foreign judgments, and all that, and I am absolutely sure that he will find it most difficult to decide whether it does or does not apply to Indian States. Another thing. Whether you are dealing with Indian States, or not, what about mandated territories? May I ask the Honourable the Foreign Secretary to enlighten us on that point? Is the Honourable the Law Member himself in a position to enlighten us whether a mandated State is a foreign State or not? I wonder if any such question has come up before any court. It is a most difficult question for any one to decide. That is a legal puzzle which I am sure will take days of argument before it can be decided if this Bill is rushed through. Then, does not the Foreign Secretary know that 77 millions of Indians have got vital religious interests in those mandated territories? Palestine, Iraq, Mesopotamia,—these are mandated territories. (*An Honourable Member* : "Tanganyika.") I do not know what is the condition of Hedjaz at present; probably my Honourable friend knows better than we do whether it is a mandated territory or not. But supposing it is a foreign State, can any one deny that 77 millions of Muhammadans of India have got most vital religious interests there, much more vital than anywhere else? What are you doing here? Do you not remember the episode which happened the other day, and the agitation that was there in the country? And even now, the minds of numerous Mussalmans are not at rest as regards what has been done to the ancient tombs and monuments of Hedjaz. How vitally interested are these 77 millions in Hedjaz, and will they be debarred from commenting on what happens there? Then the Honourable the Foreign Secretary assured us that any fair comment will not be brought within the purview of this measure. Has he provided anything for it? Look at the English law which he wanted to reproduce. I shall refer again to Stephen's "Digest" :

"Nothing is an offence against this Article, which is a fair criticism on a matter of public interest as defined in Article 392."

I will now give the gist of Article 392. It is rather long :

"The publication of a libel is not a misdemeanour if the defamatory matter consists of comments upon the persons who submit themselves or upon things submitted by their authors or owners to public criticism provided that such comments are fair.

A fair comment is a comment which is either true or which if false expresses the real opinion of its author but such opinion having been formed with a reasonable degree of care and on reasonable grounds."

If a comment is true, it is exempted. Does this Bill seek to exempt that? Most certainly not. I am afraid the Honourable the Law Member did not look into the English law carefully, he will pardon my saying so, when he said that this Bill is substantially the same. I do not think I should be justified in adverting to American law which you may take it is more or less a reproduction of English law. Now, Sir, there is great necessity for circulating a measure of this far reaching effect. Certainly that ought to be obvious. On the merits of the Bill, I say that it especially affects the interests of 77 millions of Mussalmans in India who have such vital interests in so many foreign countries and they should be heard. You have to hear what the people have to say. After all the Select Committee means only four or five or half a dozen Members of this House. You ought to hear the general

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public and also how it affects the press. I do not know if any attempt was made to consult public opinion on this matter at all. It could not have been. I should like the Government to realise the serious consequences that will follow if public opinion is not taken with them. My friend the Honourable the Foreign Secretary has said that foreign relations are a reserved subject. I do not know what he implied by that. The reasonable and proper implication of that is that if the legislature is precluded from controlling foreign relations of this country, then it is all the more reason why public opinion should be allowed free play upon the foreign relations that are entered into on behalf of India. I say that is all the more reason why public opinion should be heard and should be given a chance. Surely His Majesty's Government in Britain ought to know at least what is the public opinion in this country. I have spoken of mandated territories. Take another instance, South Africa. Is that a foreign State? Are we not to discuss the affairs of South Africa, Uganda and all those places where so many Indians have settled. These are questions which are discussed every day in this House. Then if you look at the scope of this Bill, that is another reason why, I submit, it ought to go for circulation before any attempt is made to pass it in this House.

There is yet another matter. The Treasury Benches seem to have ignored the existing provisions of the Indian Penal Code. We have got as many as three sections in the Indian Penal Code dealing with the question of foreign relations. We have also the Foreign Enlistment Act, an English Act which is also applicable to India. If that is so, where is the necessity of hurrying a measure like this. If there is any lacuna at all, let the public be consulted. Let the matter be considered properly in all its aspects and then if you find it necessary to pass a measure of this kind, you can come up to the legislature with a proper Bill. So far as this Bill is concerned, as has been pointed out by Sir Hari Singh Gour, it is defective from beginning to end. The Select Committee can do nothing to a Bill of this kind. It ought to be recast altogether. There has to be a separate measure altogether, a measure for libel, if you want, but not this Bill. There is no question of libel here at all. I submit this is not a matter which ought to be dealt with by the Select Committee. It must go for circulation and as a Muhammadan I say that, unless you consult Muhammadan opinion among others throughout India, you ought not to place this Bill on the Statute-book.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

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The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

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**Khan Bahadur H. M. Wilayatullah** (Central Provinces : Muhammadan) : Sir, this Bill which has been introduced by the Honourable the Foreign Secretary constitutes an inroad on the liberty of the Press (Hear, hear), and it is very much directed I think in its application against the Mussalmans. (*Cries of "No, no" from the Official Benches.*) For that reason there is a considerable feeling all over the country, and

I find myself compelled to say a few words in regard to the Bill. So far as the principle of the Bill is concerned, I have no quarrel. Nobody will deny that it is highly reprehensible that the people of one country should meddle with the affairs of another country which is on friendly terms with it, and anyone who gets mixed up, and participates in mischievous movements of a subversive character must always be condemned. A man who makes a libel upon another person must bear the consequences of his act ; and similarly a man who libels and uses scurrilous language against the head of another State ought not to escape the consequences of his act simply because the laws and regulations of that country cannot reach him. But there are other matters, Sir, which are involved. The Bill goes far beyond libel. The scope of the Bill has not been defined anywhere, and I think that in its application it may be used also in cases where it ought not to be used. After all, people feel for their co-religionists or for their fellow-countrymen or for humanity in general in other countries. And if you look into history, you will find that there was a great deal of talk about the Congo people, about the Armenians, about the Greeks and about the Sick Man of Europe. At that time England was at peace with Turkey. This solicitude of Government to keep intact their friendly relations with other countries by curbing the tendencies of its own people who show sympathy with the people of other countries seems to me to be of recent origin. However, I do not find fault with the Bill on that account. But I must point out that quite recently we heard that the Holy Shrines in a particular country were, in great danger and there was considerable agitation in this country on that account. The Khilafat question is still unsettled. The head of a foreign State may assume the role of Khalifa without being appointed as such by all the Mussalmans. I think we have then to go into the merits and demerits of such a claim necessarily, and I do not think it will be sufficient to say that because the foreign relations of the Government of India are brought to a breaking point on account of the attitude of the people, we should remain quiet. I think we ought to be enabled to go into the merits and demerits of such cases. Sir, pilgrimages to Mecca and Medina and Kerbala are obligatory on us. Now, if unfair restrictions are imposed upon the pilgrims, or if there are any troubles created, is it possible that the people of this country, and particularly the Mussalmans, will remain quiet ? I think if this Bill is passed, there will be considerable feeling all over the country, and I do not think that the Bill should be passed in its present form. It requires drastic changes. If it is necessary, in order to maintain friendly relations with other States, that there should be some provision of law, let it be so, but let it be clearly for libellous and scurrilous language used against the head of a State. It should not be so general in its form as it is, and I think in its application it will be very unpopular, and there will be a great hue and cry in the country. Therefore I recommend the proposal that the Bill should be circulated for the purpose of eliciting opinion, and that all important Mussalman bodies, particularly Anjumans and other political organizations, should be consulted before this Bill is passed into law.

**Mr. C. Brooke Elliott :** Sir, I read in the Book this morning, " Be swift to hear, slow to speak ". That is why I am speaking. Sir, I suppose nothing provides more genuine fun for the layman than to hear two or three lawyers arguing the pros and cons of Proposition—which I shall assume is associated usually with this side—and of Opposition,



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associated with that side. (Laughter.) Sir, the duty of the Opposition is to oppose ; but, Sir, I reserve to myself, sitting here between the Benches of the Proposition—gentlemen who propose, and the Opposition, the shy lady who seems strangely reluctant to accept the overtures even of such a charming suitor as the Honourable Member in charge of this Bill ; and I, Sir, truly enjoy this engaging spectacle. Now, Sir, may I just as a layman forget that I am a lawyer. Some of my friends say that they also wish to forget that fact. So may I just get down to the bedrock principle of the English common law ? Sir, the English common law and the American common law give the most perfect freedom to the Press. Will anybody question that ? Not even my learned and silent friend here (pointing to Mr. K. Ahmed). (Laughter.) So I take it that that proposition is not going to be quarrelled with by the Opposition. The next point is that we are all agreed that obnoxious statements of the kind outlined in the two cases, with copies of which we have been provided, obviously are a disgrace to the advanced civilization of India. Does anybody dispute that proposition ?.....No..... Then, Sir, if we consider how much all of us in this House are already in delightful agreement, and then set out to find out the grounds of disagreement, if any, we shall see that these disagreements have almost disappeared. Now, Sir, what is the sound sense of the common law of England ? May I just point out first, that the English law is full of interesting anomalies. "Treason" is punishable under a specific statute of Edward the Third, before any Honourable Member present, probably, was born. That was put into a statute because it seemed good to Englishmen of that century ; but many other offences in England are misdemeanours at common law because, to use the trite phrase, they are not done by decent people who will not so misdeemean themselves. And, Sir, the difference between the Indian Penal Code and the English law is that sometimes you have a statute in England and a corresponding section of the Penal Code, a special statute in India, and then you can put statute *versus* statute ; then you can compare like with like. But the beauty of the English common law, as a famous American, I think, once said, lies largely in this that it is sound tradition, compounded of the wisdom and experience of the past. That man, by the way, said that the two best things ever exported from England to America were the English Bible and the English common law,—and, Sir, I always suggest a third, the third best thing, I think, ever exported from England was cricket (Laughter). Well, Sir, what is the fundamental proposition in this Bill as regards the Press ? And here let me say at once that I do not suppose there is anybody in this House in whose veins so much ink flows as in my own. Is there anybody in this House whose grandfather, a merchant in Calcutta, founded a newspaper 100 years ago ? From him comes what I might call the Brooke of ink in my blood. Again another grandfather of mine, a doctor, about 90 years ago founded the *Ceylon Observer*. And I am proud to count amongst my Indian friends an eminent Indian editor, Mr. Rangaswami Iyengar of the *Hindu*, to whose journal I have had the honour to contribute, and who is now busily engaged in hammering out a square deal at a round table in England. I recall again with pleasure that the very first cheque I ever earned in my life was a cheque for an article which I had written when

I first arrived in Ceylon as a briefless barrister. (Mr. B. R. Puri : " Was it honoured ? ") My article was, Sir ! (Laughter.) Now, Sir, lest anybody should think that I am a newspaper proprietor or an editor or anything of the kind, let me at once make the confession that I have not got a journalistic rag to my back. I am just an amateur scribbler,

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but a keen one ! And, Sir, if I may make one other journalistic allusion, I am going to make an attempt—a big attempt I am afraid and perhaps beyond my powers—but I am going to try and lift this part of the debate from *The Statesman*, to statesmanship. This Bill is a problem of statesmanship and do let us get away high up in the hills of debate and not dwell in the dusty and arid plains of journalistic controversy. To go back, Sir, I ask what is the true principle of the English common law as regards a Bill like this ? As usual, it is simple common sense. The law says, you may write what you like ; but if you choose to write articles, however honest they may be in your opinion and however true,—the greater truth, often the greater the libel !—but if you choose to write articles about Sovereigns or Foreign Potentates ruling across the waters, or across the land frontiers, and the safety of your own State is thereby put in danger, it does not matter tuppence whether you are honest or true or anything else in what you write ; because the old maxim comes in, *salus populi suprema lex*. I think everybody knows the meaning of that. In case any one does not,—in the galleries of the House possibly—I would say that it means that the highest form of law is the safety, honour, and welfare of the nation. And, Sir, if once that principle is grasped,—it does not matter whether you like it personally or not—but if once that principle is grasped, the law says that if you want to attack the King of Ruritania, for example, across the frontier, you may do it as long as it is not going to endanger the friendly relations between our country and his. But if you are going to write or compose anything—admirable as it may be—such as a lampoon, a cartoon, or some vile and scurrilous article, or possibly even a very trenchant clever political article, you cannot be permitted to write and publish it in your own country if it is intended, or likely—quite apart from intent—to cause international trouble. In other words a journalist must be patriotic in such matters, and is there a true journalist who is not patriotic ? . . . . . As there is no answer I take it there is no such journalist,—and so every journalist must put his patriotism before his pen and his pocket. That, rightly or wrongly, is common sense, the real common law principle ; and accordingly the Americans, who cannot improve in this respect on the English common law, use that striking and succinct phrase which was read to the House by Sir C. P. Ramaswami Aiyar ; to which phrase I have not heard one syllable of criticism directed as yet. And, Sir, when you remember that eagle with outstretched wings which is always hovering over American liberty, you may take it that with regard to the law of the United States, that eagle of liberty is always hovering above the heads or in front of the eyes of American Legislators. Surely we ought to be very slow in criticising that country for having accepted such a law against the so-called liberty of the Press. But, Sir, let us bring this matter down from high international politics to suburban ones. Let me imagine that I am living in one of those nice suburban villas somewhere in Upper Tooting with a little fence round the garden,—fence is

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only a small word for frontier,—and suppose a neighbour is living in the house on the other side of the fence ; and suppose that when I go off to office hurriedly in the morning to catch the 9-15 train to Town, my neighbour's small boy runs down the path on his side of the fence hurling abuse at me. That, Sir, would not be very pleasant for me, and it certainly would not be very neighbourly. What can I do ? I just take no notice ; and go off to my work again as usual next morning. The small boy naturally thinks now that as I did not do anything painful to him yesterday he can increase his volley of abuse to-day, and he brings his little sister or his little brother and they abuse me even more scurrilously than yesterday. This kind of thing feeds on itself, and in the end what will happen ? I should be forced to go to the father of these children next door and say, " I very strongly object to your children hurling abuse at me, and asking me to clear out of my house as they say they want somebody nicer than myself to come into it " ; and I should say with some asperity to the father, " Can't you keep your ill-mannered children in order ? ". Imagine my surprise if the father replied to me, " I am very sorry, Sir, but I really cannot interfere ; as I have no control whatever over my children ". Well, what happens after that ? The next time the abusive little urchin comes out, I thrash him ; and his father and I go to law. Now, Sir, there is a sound principle, which is in the Bible, it is in the Qoran, and I am sure it is in the sacred books of the Hindus—" Do unto others as ye would that they should do unto you ". Sum it up in one word—reciprocity, (which has nothing of course to do with atrocity). And now, translate my little fable from England to India and her frontiers, and, if similar trouble arises you don't go to law ; you go to war. And that is just the difference between international relations and suburban relations. Now, would not any Honourable Member living in the next house resent bitterly my child hurling volleys of abuse at him across the fence in that way ? Of course he would.....Here again there is no contradiction from any body. And it is obvious that when you get down to the bedrock of English common law, you will always find that it is upon a solid basis of common sense. Common sense is not the sole prerogative of the English public as I stated plainly the other day. There is plenty of common sense in India if one does not cloud the real issue with words. As Lord Esher used to say, a thing is often as clear as daylight until you cloud it with words. I hope there is now no intellectual fog with regard to the points I claim to have established. I have invited courteous interruption and criticism, but it has not been forthcoming. I claim, therefore, that I have established my proposition that no gentleman would ever allow his child to treat me in this way. Then, Sir, why should the Government of India allow her children, only a few little rascals, to hurl abuse and risk war ? I have read the substance of those articles, for which the authors have been recently convicted. I do not know how many Members have read those cases carefully. The full articles were not transcribed in the judgments because the Magistrate in each case, I think, said he would not soil the paper upon which he was writing by giving those articles further publicity in detail. But each judgment shows what the poisonous nature of those articles was. They were despicable articles, which obviously degrade the Press in India, and my sole desire in this,

incidentally and in the Press Bill, is to co-operate with everybody in this House,—proposition and opposition, whether happily married or temporarily divorced,—to co-operate in anything that will ennoble the Press of India and not degrade it. Very often I have heard talk which I venture to decry about the so called “Anglo-Indian” Press. I stand for a much pleasanter classification. I am not going to call it an “A-I” Press but an A-1 Press. But if you prefer to call it the “A-I” Press, I would prefer to call it the All-India Press and not the Anglo-Indian Press. There may be also a C-3 Press; and the only way in which an honest man and a decent man judges the Press of a country is on its merits. Sir, we have much that is splendid in our Indian Press; as I have observed in Madras. I do not always see eye to eye with the *Hindu* in all things, and we have mutually agreed that, if I do not see eye to eye with them, any article I contribute may be courteously rejected. I can only say that it has never happened yet, possibly because I do not write very much in connection with politics. But I stand here to-day, as strongly and stoutly as anybody in this House, to champion the true freedom of the Press. But while I am always ready to license the Press here or anywhere else for liberty, I am wholly against giving liberty to the Press for licence. Does anybody question that proposition?..... No..... Then, Sir, we are all happily agreed again on the principle. As I said, Sir, I have been hoping and expecting this agreement, and apparently I am merely echoing the sound sentiments of my Honourable friends all round the House on this point.

Now, Sir, I will go a little further. But may I say just one word about the speech of my Honourable friend Mr. Howell seated over there? We were told by him that the curtains of diplomacy were going to be withdrawn a little, as they sometimes are literally in this House, and we were to be allowed for a short time to learn a little of the hidden mysteries of the foreign relations of the Empire, as conducted by the Foreign Office in London with the help of the Foreign Department in India. Personally I was very grateful for the clear and sparkling exposition given by the Honourable Mr. Howell to the House. He said he was not a lawyer. But if he comes into the profession we will all welcome him, merely hoping he will practise in another Presidency from that in which we have elected to practise as he would be a formidable competitor! Sir, that speech was very clear; it was very frank; and the Foreign Secretary put all his cards on the table—a very pleasant thing to do when you have got such a nice hand. With four aces, four kings, four queens, and one knave, there is not much harm in putting your hand down on the table. And I feel that he made a legislative grand slam straight off! Sir, it was an enlightening speech, both in substance and in form, and the sooner we get round a square table or a round table in Select Committee and put our heads together, to discuss the details of this Bill, the better. If the words of the Bill are not quite all right, or if they are not in accordance with the English common law, which (as at present advised) I still think they are, then no doubt amendment and improvement can be made. But before I sit down I want, if I may, to do something that I do not often do, and that is to take refuge for a moment in the written word—*littera scripta manet*. I do so only because of the appeal made by Mr. Howell in his speech, and because I do not wish to go one hair's breadth beyond the limits of judicious debate which

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he invited us to observe strictly. It may be asked with a certain amount of very good reason why powerful foreign States should need support from the Government of India to protect them from the malice of distant and very often obscure journals. I suggest to Honourable Members throughout the House that young nations are like young Governments and young people ; and, Sir, it may not be long before a translation of a few yards across the floor of this House will see a young Government in power in India ; and then I think that they will find that one of the best arrows in their legislative quiver will be the arrow of this Bill, set ready in the bow to be shot at offenders if, unhappily, it should be necessary. Sir, these young nations and young Governments are like young people ; and therefore are more ambitious and, very naturally, rather more resentful of hostile criticism than older nations. In their swiftly accelerated march towards progress they are rightly proud of the achievement that has been already attained ; they are rightly ambitious for the still greater achievement to come ; and when people are proud, high-spirited, and ambitious, they are often inclined to be hypersensitive as well. I would also remind my Honourable friends that just at the moment when a nation has come through the troubled waters of political revolution, neighbouring nations should remember with sympathy the difficulties that have been surmounted. Outsiders who desire counter-revolution need ammunition. Any ammunition is good enough at a pinch for such people but if the ammunition bears a foreign brand it is all the more welcome, because it is deemed likely to have higher powers of penetration.

May I here quote from a despatch recently sent to the *Times* in London from one of the most senior of its special correspondents, who recently returned to India after visiting a certain friendly adjacent State, and who was, I believe, the first British journalist to enter those territories after a lapse of 2 very critical years ? Sir, I welcome this evidence, as a lawyer, because it is the only direct evidence that has come into my possession and I desire to share it with my Honourable friends including my Honourable and learned friend Sir Abdur Rahim, who, as a former High Court Judge, will appreciate such direct and cogent evidence. It is also that of a highly qualified expert ; though it is not quite of the nature of that peculiar expert testimony, namely, of thought-reading, which Sir Hari Singh Gour mentioned, apparently forgetful that such a curious form of expert as thought-reading evidence is outside the provisions of the Evidence Act. I wish now to draw special attention to some of the striking conclusions arrived at by that gifted and trained observer. He left by car from a certain city that I will call *P*—leaving the other seven letters to be guessed by cross-word experts. In due course he entered a country we will label *A* and reached the capital, expressed by the letter *K*. As the result of his trip to this land of my fancy, his most abiding impression was the intense concentration by the people of that friendly State on the promotion of internal trade, internal security, and internal progress of every sort. He said in one of his despatches to the *Times*, “ The very phrase ‘ external relations ’ spells embarrassment to a country the boundaries of which are spanned by racial affinities on either side ”. That seems to me to be a very pregnant sentence with implications which I need not implicate, or rather

explicate, further. He continues : " Is it small wonder then that for the moment the first desire of that Government is to draw its curtain of mountains closer around the country and go about its affairs untroubled by complications with the outer world ? " Again, Sir, I repeat that question and ask whether any one will quarrel with him ? Now in view of this evidence and that expert opinion which is so relevant and admissible, I want to suggest to Honourable Members throughout the House that if those neighbours of ours, with whom our King Emperor is on terms of peace and amity, desire to pursue their peaceful way untroubled by complications with the outer world, should it not be a point of honour with every one of us in India to assist them to the fullest attainment of their high ideals ? I do not think, Sir, anybody will seriously question that. We in India for our part must inevitably be the gainers in the end for, I believe, in helping to make for peace on the other side of our frontiers we shall go a long way towards taking out a most valuable political insurance policy for peace, not only in our own time and in the time of the present Government, but also in times of Indian Governments to come.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I wish to associate myself in this debate on the Bill which is entitled as drafted, " A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States ". Sir, my apology for speaking on this Bill is two-fold. One is that the interpretation of this Bill and the rendering of certain words contained in it have entered into this debate. On this point it is no doubt that three great lawyers of India have spoken. I am conscious I cannot get into the shoes of these three lawyers, Honourable Members of this House. But as a humble lawyer myself, I feel that I should put forward my views and my interpretation of this Bill before this House for consideration. (Hear, hear.) It will be observed that Sir Hari Singh Gour, who is a very competent and able lawyer of India, has put forward his interpretation showing that there is a great difference between the Statement of Objects and Reasons and the Bill itself. He has condemned the Bill as having been drafted in haste. He has condemned it as having been drafted by two men, one not knowing what the other was doing. Then a difference of opinion arose on the wording of the clauses between the two great lawyers, I mean the Honourable Sir C. P. Ramaswami Aiyar and our friend, Sir Abdur Rahim. As I have said that I have got two reasons to speak on this Bill, I must say what the second is. The other is that I know the history of this Bill personally. This is not a new measure that is being brought before us today. I was in the third Assembly when a Bill, I think exactly in the same words as this Bill, was attempted to be introduced by Sir Denys Bray. And what happened to that Bill ? The history is plain. The point is that that Bill came at a time when that unfortunate and notorious Public Safety Bill was on the anvil of this House ; and everybody knows what the fate of that Bill came to be. Public opinion was against the Bill. There was a very strong public opinion, and I must also say that the House on this side then was very strongly constituted—composed of very able politicians ; and they were all against that Bill. I must say that now we are at a disadvantage in that our Benches are thinly attended ; but it must not be forgotten how that Bill went off and how this Bill was brought in. This was only an ancillary Bill to that Public Safety one and when that Public Safety Bill

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was before this House the public opinion being so very strongly against it Government were compelled to drop it. What then became of this ancillary Bill we did not even hear ; it went off into the air.

What happened then ? An ordinance was made. We know how these ordinances are made and how easily they are promulgated. We had an experience of it even yesterday. The House gave their votes in favour of an adjournment of the House for discussing a motion regarding the Gold and Sterling Standard Pronouncement brought forward by Sir Cowasji Jehangir and leave was given that it would be taken up at 4 o'clock. But what happened ? Immediately, rather miraculously, we got an ordinance, an order from the Governor General to say that it should not be debated. Ordinances are passed like that. We know that ordinances are not based on public opinion. If therefore ordinances are passed and public opinion is gagged like this and you get Press Bills and Bills like this through, I submit it cannot be said that India has a good Government.

When the settlement was arrived at between Mahatma Gandhi and Lord Irwin that ordinance was done away with. Now what is it that is sought to be done ? The settlement is still there ; Mahatma Gandhi and all others, even Lord Irwin, are sitting there in London to decide our fate ; and yet here a Bill comes from the Foreign Secretary who says " Pass it here ; do not wait for what they are doing there in London ". I say that is not right.

**Mr. K. Ahmed :** What reference has that to this Bill ?

**Mr. Lalchand Navalrai :** I did not hear you, but I thought a security had been taken from you to keep silence. Proceeding with the subject, I must say that what is being asked for now is that this House should pass this Bill. In other words, the country should give sanction to this Bill. At what time is that being asked ? Without circulation, without public opinion being consulted and without those affected being asked whether this is a good or a bad Bill. It is wrong to get through it especially when you see in this very House so many interpretations are being put on it. I say, do not make haste. It will be indecent haste if you do so. Wait for public opinion. I am strongly for the circulation of this Bill. I know that in this session this or any other Bill can be passed as a matter of course in favour of the Government. Our Benches are thinly attended ; we have not got a majority. The reasons are that some Honourable Members have gone to the Round Table Conference and the others have gone away on account of illness or some such reason ; at any rate our Leader has gone for that reason.....

**Mr. K. Ahmed :** Whose fault is that ?

**Mr. Lalchand Navalrai :** Nobody's ; yours only. I submit that there ought to be no difference of opinion with regard to circulation. I cannot understand that if this Bill is not passed now something very horrible is going to happen between the foreign Governments and this Government and therefore this Bill must be passed this very moment. I say, there seems to be no such fear. But even if such a contingency arises, do not worry us ; your ordinance can be repeated. But let it be repeated on the Government's own responsibility. Why do you ask our sanction when you don't allow the country to be consulted ?

Do it in your own way as you have been doing all along. Whatever ordinances you pass we cannot fight them. Their provisions are acted upon immediately. Therefore do not ask for our sanction at this moment.

On this point I do not think I need go further than ask the Foreign Secretary to take a leaf from the book of his the then Leader, now the Honourable the Home Member for whom I have so much reverence, I mean Sir James Crerar. He has approved of the principle of circulation and he laid down a fundamental principle that important Bills should be circulated. I think the Foreign Secretary should consult him and ask whether there has been any change in that fundamental principle. Fundamental principles never change. I will read the exact words of the Honourable the Home Member—from Vol. V (1927) of the Legislative Assembly Debates—page 4417. I do not want to make any lengthy quotation as I might be pulled up by the President, but I shall only quote a short passage :

“ I do not intend to go into the particular merits of this Bill. Sir Purshotamdas Thakurdas in a powerful speech has just urged upon the House and the Government should exercise caution in the matter. I confess that note of caution seemed to me to be a wise counsel. I think that before the House proceeds to consider this Bill in greater detail it ought to pass the motion which I move for further eliciting opinion thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended. I am not opposed to the main principle of the Honourable Member's Bill on its merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas. I ask the House to agree that this motion for the purpose of further eliciting opinion upon the Bill be passed.”

It is the same caution that I am asking the Honourable the Foreign Secretary to take. It may be asked on what Bill was this principle stated ? This was given on the Restraint of Child Marriage Bill. I purposely say this in order to convince the House that this Bill is more important than the one in which the aforesaid principle was stated. I therefore submit that a strong case has been made out for circulation.

So far as the merits of the Bill are concerned, I am not at present objecting to the principle of the Bill but I must say that the Bill, as it has been drafted, is very vaguely worded. The phraseology is such that it can be misconstrued and several different interpretations can be put upon it. Therefore, I fully endorse the opinion of my friend Sir Hari Singh Gour that the objects of the Bill are entirely different from what the Bill itself intends to achieve. It is referring to libel and other things, whereas the phraseology used in the Bill refers to “ unfriendly relations ”. Now, what is “ unfriendly relations ”? Disaffection can come under unfriendly relations, but certain things which are published may be of such a nature as may or may not create disaffection, and yet they may be twisted and turned so as to bring them under unfriendly relations. Then again there might be a case of a simple abuse in some of the writing, and that also can be brought under the category of unfriendly relations. Therefore, I say that this Bill is very vaguely worded.

Not only that, but there are also some other defects in the Bill. May I ask which Magistrate will try these cases ? Has any provision been made to that effect in this Bill ? Has any procedure been provided for the Magistrates to follow ? I do not find any procedure at all. I am of



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course anticipating a question from my lawyer friends, and I am prepared to reply to that too. Clause 2 of the Bill only say this :

“Whoever makes, publishes, or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years, or with fine, or with both.”

Now, the clause provides punishment for two years, no doubt, and at the same time it provides one caution in paragraph 3, that no court shall try this case without the sanction of the Governor General in Council. That is quite true, but the Bill does not say which Magistrate will try these cases.....

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Is my friend aware that there is such a thing as the Criminal Procedure Code ?

**Mr. Lalchand Navalrai** : The Honourable Member is evidently referring to the definition of the word “offence” and also the procedure that is laid down there. Please allow me to finish my arguments.....

**Mr. K. Ahmed** : Is it not the sphere of the district court lawyers to appear ?

**Mr. Lalchand Navalrai** : In this Bill the procedure to be followed by the trying Magistrate is not specified. It is true that there are certain provisions in the Criminal Procedure Code which would guide this Bill, but may I ask if in other Bills which have been passed special provisions of procedure to be followed by particular Magistrates have not been embodied ? Look at the Safety Bill itself. Look at the Press Bill.....

**Sardar Sant Singh** (West Punjab : Sikh) : There is a special provision in Schedule II of the Criminal Procedure Code for all enactments not falling within.....

**Mr. Lalchand Navalrai** : What I am pointing out is that the special procedure in this Bill should have been provided. That is the first point.

The second point is, if you are going to entrust these powers to First Class Magistrates, they are likely to be misused and abused. As I said the other day young civilians become First Class Magistrates in a short time, and you are going to give such wide powers to such young and inexperienced people to twist and turn.....

**Mr. O. Brooke Elliott** : Did not the Honourable Member characterise them just now as being “First Class” Magistrates ?

**Mr. Lalchand Navalrai** : I said the other day that a young civilian who works for a short time as a junior Magistrate is soon promoted as a First Class Magistrate before he acquires the necessary experience ; so I say if you give these powers to such young and inexperienced officers, they are likely to be abused very much, and therefore in the absence of any special provision for the class of Magistrates and the special procedure to be followed I should call this measure as a bald Bill. The Magistrates will be under the impression that they have to try the cases coming under this measure not in a judicial manner, but executively. I therefore submit that this Bill should be entirely recast ; it should be sent out for public opinion, and when it comes back again, the House can consider it.

One word more, Sir, and I have done. It was said that there is no provision in the Penal Code which can serve the purposes which this Bill aims at. May I draw the attention of the Honourable House to section 108-A of the Indian Penal Code which is a new provision added to the Code. Formerly there was no provision in the I. P. C. providing for abetments that were committed in India for offences being done outside India. The new section which has been incorporated in the Indian Penal Code reads thus :

“ A person abets an offence within the meaning of this Code, who,.....in British India, abets the commission of any act without and beyond British India which would constitute an offence if committed in British India.”

At any rate this is a point of law which has to be considered very carefully by the Honourable the Law Member and other lawyer Members of this House. I therefore strongly recommend that the Bill be sent out for circulation, and I would appeal to the Honourable the Foreign Secretary to consider the matter over again, and that he should not attempt to rush this measure through in the teeth of opposition from this side of the House.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhaimmadan Rural) : Sir, the present Bill is practically the annexe of the Press Bill, and for some reasons known only to the Treasury Benches, which are not clear to us, this measure has been separated from the Press Bill. This Bill however goes further than the Press Bill in three different respects. In the first place, the Press Bill is only for one year, whereas this Bill is a permanent enactment. Secondly, the Press Bill prescribes only a penalty of confiscation of surety, whereas here the penalties of imprisonment and fine are imposed. It is practically an addition to the Indian Penal Code, that is to say, you create a new penal offence. Thirdly, it differs from the Press Bill in that under the Press Bill only publication is considered to be an offence, whereas under this, the circulation of any statement, rumour, or report is also considered to be an offence. Therefore, in these three respects, the present Bill goes much further than the Press Bill. I do maintain, following the speeches that have been made on this side, that the enactment of this nature at Simla, without giving any opportunity to the public to express their opinions thereon, is really a legalised form of ordinance. Any enactment framed by Government votes alone is in reality not an Act, but an ordinance. You know very well that some of the Members on this side of the House have gone to the Round Table Conference. There are some Members who cannot stand the height of this station and cannot possibly come to Simla. Therefore, it is rather unfair on the part of the Treasury Benches to take advantage of the thinness of the Opposition and pass an important measure of this kind by votes commanded by the Government. You not only introduce this measure before the Assembly, but you press that it should be made into law at once.

Sir, my Honourable friend Mr. Brooke Elliott—unfortunately he is not here—said, here is one side, the Government Benches, and here is the Opposition on the other side, suggesting that he is neutral. I would like to see if he will assume this neutrality and give proof of his statement in the course of this or any other motion. He also said that he was a great champion of the freedom of the Press. This is a statement which

[Dr. Ziauddin Ahmad.]

we would very much like to see materialise in the course of the debate which will come up in a few days. But the point which is really important for me, which I want specially to mention, is this, that we admit that there are certain troubles. But the remedy suggested from the Government side is much more than is justified by the trouble. It is a truism that whenever a medical man is himself ill, then he is not the proper authority to prescribe medicine for himself; the medicine must be prescribed by somebody else. Mr. Arthur Moore, the Leader of the European Group, the other day mentioned the difficult position in which the Europeans in Bengal are placed. I entirely sympathise with him and the whole House will really go and help him in this difficulty, but when he comes forward to make a suggestion himself, he is really acting like a sick doctor prescribing medicine for himself. He suggested the other day that we ought to introduce the Frontier Crimes Regulation in Bengal. My Honourable friend does not know what the Frontier Crimes Regulations are. By these Regulations.....

**Mr. Arthur Moore** (Bengal : European) : On a point of personal explanation, Sir. All that I said was that the European Association of Chittagong passed a Resolution to that effect.

**Dr. Ziauddin Ahmad** : That is the point I want to make out, that the prescription which they prescribe as a remedy is really no remedy at all, and it goes much further and makes the whole case worse. The Frontier Crimes Regulations are no remedy for the troubles in which he is placed in spite of the fact that the whole House whole-heartedly sympathise with him in those troubles.

**Mr. Arthur Moore** : On a point of order, Sir. May I ask if this is relevant to the Bill under discussion ?

**Mr. President** : I think he is quite in order.

**Dr. Ziauddin Ahmad** : By Frontier Crimes Regulations wives are interchanged, civil suits worth several lakhs are instituted on 8 annas stamp and the debtor is sent to jail before the hearing of the case. This is no remedy to Mr. Arthur Moore's complaints.

It was pointed out to us that the reasons for introducing this enactment are the two articles written by the *Zemindar*; and this is the only argument that has been brought forward in support of this Bill. I have read those articles, and I myself have no sympathy with them. But is this the remedy which they are going to propose in order to overcome this particular difficulty ? In order to meet one small difficulty they are going to rouse the whole country into a commotion.

Sir, this House is prohibited from discussing foreign affairs. We cannot propose any Resolution and we cannot ask any questions about the foreign policy of the Government of India. We know how the chess game of Afghanistan has been played, and we were debarred from discussing the question on the floor of this House. This Bill says that not only the Assembly should be debarred but the whole country should be prohibited from discussing verbally or in the Press any question concerning the foreign affairs not only of this country but of Great Britain. This is a large order and is likely to lead to a very difficult situation. The Government may, without consulting the country, commit it to a war and the poor tax-payer will have to bear its cost. It may be the

outcome of the mistakes committed by the Foreign Office, but the whole country will have to pay for their mistakes. This privilege is unfortunately denied to us, and we are asked to legislate that in future no person should be permitted to discuss any question about foreign affairs.

The Honourable the Foreign Secretary gave us an important argument. He said that India will be placed among the more civilised countries of the world if we pass this particular law. I say, if this is the only test of civilisation, I would rather remain uncivilised and not pass this enactment without giving any opportunity to the people who are affected by it to express their opinions. There are some more important matters in which we are treated in an uncivilised manner, for example, whipping. Whipping is a punishment administered in India alone, and I do not think it is a punishment given in any civilised country. If my Honourable friend the Mover of this Bill is anxious about the civilisation of this country, then I will request him to come forward first with a motion that whipping should be disallowed in this country.

Sir, this Bill will undoubtedly affect every Indian who is interested in foreign affairs. There are Indians in America, there are Indians in Japan and other countries, and if any of us discusses the position of the Indians there and the horrible treatment that they may be receiving, he will at once be penalised and will be prohibited from doing it. In this way this Bill will practically affect every Indian, and all communities. But in one particular respect it will affect the Mussalman community more than any other community. The Hindu community have got all their shrines in this country. The Mussalmans on the other hand have got most of their shrines in foreign countries and not in India and so they are naturally interested in the affairs of foreign countries. This interest is often misunderstood. Some people who really carry on a propaganda against the Mussalmans, call this interest a pan-Islamic movement. Pan-Islamism is really a creation of the British mind. It does not exist among the Mussalmans, and it has been intentionally created in order to prejudice other people against the Mussalmans. We have in fact real and genuine interest in the shrines and other things which are sacred in our religion. (Interruption by Mr. K. Ahmed.) I would request you, Mr. President, to allow Mr. Kabiruddin to deliver his whole speech at one time and not by interruptions. I shall take one illustration. Take the case of Ibn Saud. There are some Mussalmans who honestly believe that the soul of the saint always hovers round and recognises its grave and it is for that reason that they go to the graves with genuine religious sentiments. Others take the opposite view. They consider that the soul after leaving the body ceases to have interest in this world and hence offering prayers near the grave are equivalent to idolatry. The latter is the view of Ibn Saud, and for that reason he has removed tombs from the shrines in Arabia. This action is honestly resented by those Mussalmans who hold the other opinion and some of the hajis who had gone there and wanted to sit near the graves in meditation were lashed by the servants of Ibn Saud and they had to leave the place in great disgust. After this enactment it will be impossible for any of these people to say anything about their sad experiences in that country.

**Mr. K. Ahmed :** Certainly not.

**Dr. Ziauddin Ahmad :** I next refer to Jerusalem. There is an honest conviction in the minds of Mussalmans about the sanctity of the wailing wall, and an equally honest conviction in the mind of the Jews, and it is really a matter of religious importance to the Mussalmans not to remain silent on this question. The Honourable the Mover of this motion might perhaps say, " You had better draw our attention to this and we will do the needful ". That is not the experience of those who do not sit on the Treasury Benches. We know that the Government will not move unless there is agitation in the country. Had the correct and honest representation by a single individual been enough for Government to take action the present situation would never have arisen. Sir, I know something of the Muslim community, and if a measure of this kind is passed without consulting them, there will be a first-rate agitation in the whole country. It is not wisdom, it will be bad policy and a lack of statesmanship to create such a position at a time when our attention is directed to more important issues. This is a question in which the Muslims are not only politically but religiously interested and they consider the issue as dear as their life, an issue for which they will lose anything in order to achieve their religious beliefs. I beseech once more the Members of the Treasury Benches not to press this Bill in this session. I request them to give an opportunity to the Muslim community and the country to express their opinion and submit their genuine grievances. Those who have first-hand information ought to have an opportunity to relate their experiences. This is a matter in which the Mussalmans and the whole Indian public are extremely interested. If this Bill is pressed on the House, I will refrain from taking any further part in the discussion, nor shall I move that the Bill be referred to a Select Committee. With these words I support the motion for circulation.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I do not intervene in this discussion with any controversial intention. Indeed I should be temerarious to do so, for when eminent lawyers are on the war path, if a layman comes between these fell and mighty opposites, he is apt to receive rather more than he likes or expects. But as I listened to the discussion, it seemed to me that the difference between the two sides of the House was somewhat less than it appeared to be at first sight. There is, I think, general agreement that articles have appeared in some Indian newspapers which might have very dangerous consequences and which I think the House generally feels ought not to be allowed to continue. There is, I think, therefore, general agreement as to the underlying principle and Government attach importance to the affirmation by this House of that principle. On the other hand it has been represented to Government from the non-official Benches that this is a very important measure, that when we are dealing with the freedom of the Press, caution is necessary and Government have shown that they appreciate the fairness of that demand by saying, as my Honourable colleague, the Law Member, did this morning, that we would offer no opposition to referring the Bill to a Select Committee. But since my

4 P. M. Honourable colleague spoke, it has been represented by more than one Member that that does not quite meet what they have in their minds. What they feel is that this is an occasion on which public opinion ought to be elicited, and in particular the opinion of

one of the great communities of India who are perhaps peculiarly interested in our relations with some foreign powers. It occurred to me, Mr. President, that the gulf between the two sides might be bridged without any sacrifice of principle on either side. What I should be prepared to say on behalf of the Government is this,—that if the Bill is referred to a Select Committee, we should be quite prepared to circulate it by executive order, and the Committee would meet when the opinions had been received, and in the ordinary course their report would be submitted to the House next session.

**Dr. Ziauddin Ahmad :** Why do you press for a Select Committee ? Why not circulate at once ?

**The Honourable Sir George Rainy :** I mention this, Sir, in the hope that it may abbreviate the discussion and may prove to be a solution which will commend itself to the House generally.

**Sir Abdur Rahim :** May I ask, Sir, one question ? If we agree to a Select Committee, should we not be committing ourselves to the principle of the Bill ?

**The Honourable Sir George Rainy :** There is no question about that, but the point I tried to make in that connection was that there is agreement as regards a great underlying principle, that here is something which badly requires to be controlled.

**Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhammadan) :** Sir, a very strong case has been made out by the Leader of our Party, Sir Abdur Rahim, and other speakers on this side for the motion for circulation, and I do not propose to take much time of the House. But I shall try to put before the House a short history of this measure. It was in April last, Sir, that Lord Irwin promulgated Ordinance No. V of 1931. The reason was this. *Ex-King Amanullah* had published a letter in the paper *Afghanistan* which was translated and published in another paper *Zamindar*. Prior to this, this Government had been on friendly terms and in international amity with the Kings of Afghanistan. Amir Abdur Rahaman Khan, Amir Habibullah Khan, Amir Amanullah Khan—they were all friends of this Government. It was not felt necessary to promulgate any Ordinance or a measure of this kind in their time. So far as King Habibullah Khan was concerned, he was eulogised in London itself for the services he had rendered to the Indian Government by maintaining order in his own territory and also on the North-West Frontier during the time of the war. Even at that time, no necessity for such a measure as this was felt, but the necessity was felt simply because a letter of *ex-King Amanullah Khan* making allegations against the present ruler, Shah Nadir Khan, was published, and that letter was published again in *Afghanistan*, which I have not seen myself, and some comments were made by *Afghanistan* and *Zamindar*, and these have been brought to book ! Sir, we are not in sympathy with those persons in their dealings. We feel it necessary that friendly relations between this kingdom and foreign rulers should be kept up and kept up very strongly. But at the same time we cannot put up with a measure of this kind, which is calculated to curb the freedom, the liberty of the Press. Such a measure no one can be a party to. (Hear, hear.) Here, Sir, our simple request is that it should be circulated

[Maulvi Sayyid Murtuza Saheb Bahadur.]

for eliciting public opinion. Ever since the days we were at school and college, we heard that the English Government was attaching much importance to public opinion. So we feel it an injustice that such a measure should be rushed through and in such a way as not to have previously been circulated for eliciting public opinion. With these words, Sir, I support the motion.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I want to make it clear, after the assurance given by the Honourable the Leader of the House that the Select Committee will sit in Delhi and that by executive order this Bill will be circulated, that I do not want to press my motion and I beg leave of the House to withdraw the motion.

**Dr. Ziauddin Ahmad** : I also gave notice of a similar motion, and I do not wish to withdraw it.....

**Mr. President** : That is not the point. I will have to ask the opinion of the House whether they are prepared to grant leave to the Honourable the Mover of the amendment to withdraw his motion for circulation. I have to put that question to the House. The question is :

“ That leave be granted to the Honourable Member to withdraw his motion for circulation.”

As many as are of that opinion will say, “ Aye ”. (*Several Honourable Members* : “ Aye ”). Those of the contrary opinion will say, “ No ”. (*Several Honourable Members* : “ No.”) Leave to withdraw the motion is not granted.

**Mr. E. Studd** (Bengal : European) : Sir, I am not sure whether a humble business-man ought to have the temerity to take part in this debate which it seems to me is largely a battle between the conflicting opinions of legal luminaries whose names are famed all over India. But, Sir, what is the poor business-man to do when lawyers proceed to give him opposite opinions ? I confess that some of the legal points which they tried to argue were completely above my head. But it does seem to me that if we can get down to bedrock, this, Sir, is really, a simple matter. Apart from points of law, I have listened carefully to the various speeches that have been made against this measure urging circulation and so on, but I do not think I have heard one Member express opposition to the principle which is contained in the Bill, namely, that it should be possible to punish papers which publish articles and news matter which are likely to result in unfriendly relations with foreign powers. Some Members have expressed the fear that the powers in the Bill are too wide. I have not heard anybody suggest that it is the intention of Government to use them for any other purpose than the definite and specific one of the preservation of friendly relations. It has only been suggested that the Bill is so wide that it may be misunderstood or misinterpreted by Magistrates. Sir, I submit that if that is the main bone of contention, there is no reason why the Select Committee should not be able to put in the necessary provisos in the Bill to make sure that it is not so abused. Therefore, Sir, it does not seem to me that the opposition have made out a very strong case.

Sir, there is one thing which I fully expected to hear. Knowing that an anathema the word "Ordinance" is to my Honourable friends on the other side of the House, I fully expected to hear some of them referring to the Ordinance which is at present in force and which this Bill is meant to replace. I thought that if they were going to oppose this Bill, they would do it on the ground that this so-called iniquitous Ordinance had already been in force for nearly six months, that it had been grossly abused, and that it was therefore absolutely improper that it should be continued. Not one word has been said against that Ordinance; and I doubt if there has ever been an Ordinance under which fewer cases have been brought than under this one. As far as I know, there have been only four or six cases, and I do not think anybody has any fault to find with those cases or with the judgments that have been given in those cases. I know a number of Honourable Members have read the judgments in two particular cases. I am perfectly certain that no one who has read those judgments can possibly say that they are anything but just, or can possibly maintain that some law is not necessary to deal with an evil of that kind.

Now, Sir, it has been urged that this is an important measure and that it should not be rushed through without the country having a chance to express its opinion. It seems to me that it has already had a chance, in an indirect way at any rate, of expressing an opinion on this Bill, for it has had this Ordinance actually in operation for nearly six months. I certainly have not heard of any objections. Honourable Members on the other side have not spoken of any objections to this Ordinance and I think it is a fair inference to draw that that being so, the general principle of this Bill is not opposed and has the general acceptance of the country.

Now, Sir, I do not propose to keep the House any longer. The debate has gone on for a long time, but I do appeal to Members to realise that it is a necessary measure and that it should be passed into law, modified if necessary, so that they may be satisfied that their fears are without foundation. I do appeal to this House to realise that it is necessary to curb the evil which is not only a disgrace to the Indian Press but a disgrace to the Indian nation.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I move that the closure be now put.

**Mr. S. G. Jog** (Berar Representative) : Sir, it is very unfortunate that a Bill brought before this House with a view to provide against the publication of statements which are likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States has in the present resulted in creating unfriendly relations between one important community in India and the Government. How far the Bill will have the effect of preventing the creation of unfriendly relations is therefore very doubtful. But for the present we are seeing this result that there is a division created between one important group in the House and the Government. This is the first time that this new Bill and this new legislation is being introduced and it is but fair that the Government should not rush it through. I am in entire sympathy with the speakers who have proposed that the Bill should be circulated for public opinion. It is the first principle of legislation that no legislation of a revolutionary character or



[Mr. S. G. Jog.]

which introduces an innovation should be hurried through without ascertaining public opinion. As observed by my Honourable friend, nothing will be lost by circulating it and waiting for two or three months more. There is no immediate danger which is likely to happen and nothing will be lost by waiting for two months. There are also some misconceptions about the Bill. I must congratulate the Honourable the Mover on his clear explanation of the position. It was thought for some time that even the Indian States came within the purview of the Bill. But at the outset he made it clear that they did not come within the purview of the Bill. One more thing he has made clear. Unfortunately this Bill has taken a communal turn and my Muslim friends are somehow or other taking it as an attack against them or against the States of which the rulers are Muslims. The Honourable the Mover has made it clear while making his speech that the Bill is not designed against any particular foreign ruler. It is a general thing and all the foreign rulers are included in it, but somehow or other my Muhammadan friends have taken this peculiar attitude, which has resulted in creating a lot of stir in the House. The Bill is in very general terms. It wants to create friendly relations between British India and the foreign States. At the same time it does not stand in the way of any healthy criticism of the actions of those Governments. The Honourable the Mover admitted in his statement that there is no doubt it creates a sort of restraint on writings, but I think some such restraint is essential. But the Bill, as it stands now, and specially clause 2, is extremely wide and vague; and although the Honourable the Mover has justified his Bill by saying that it is a very mild and innocent one and is not so obnoxious or mischievous as the Press Bill,—and he may take some credit for that,—still the wording of clause 2 is extremely vague and it requires large modification and improvement. I therefore agree with the recommendation that has been made that the Bill should be circulated for public opinion.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, I have listened very carefully to the remarks which have fallen from my Honourable friend, Mr. Studd. I gather that he intended to say that the principle of the Bill had not been attacked by the Opposition. I maintain, Sir, that Dr. Gour in his scholarly speech this morning has made it clear to the House that what was sought to be enacted in this Bill is not the English common law but something else. That is one reason why I say that the principle of the Bill has been attacked. It has been attacked and very ably attacked by my Honourable friend.

The next reason which I would put forward against the principle of the Bill is this. Is there, I ask, any enactment or any legislation in any neighbouring country analogous to what is sought to be enacted in this House now? I can well understand that a Bill has been introduced in this House which aims at curtailing the liberty of the Press. Are we to go on with this Bill when another legislation put forward before this House is pending? I do not know if the matter is still *sub judice* because we have already got the report of the Select Committee before us. Now that was the first attempt in this House to gag the Press. It has been followed with hardly an interval of one week by another Bill whose object primarily is to stifle the Press. It seems to me that Simla is particularly suitable for the introduction of Bills which are intended to stifle the Press. The mist here is so very thick that it almost makes the whole mountain disappear and these Bills will probably make the Press disappear altogether from this

country. The effect of this Bill is not only to enact what is not the existing common law in England or for the matter of that in any country, but it goes much further in the way it is framed. Sir, you will note that section 2 of the Bill, which is the really operative section, reads thus : "Whoever makes a statement, whoever publishes a statement, whoever circulates a statement, rumour or report" and so on. It is not distinctly stated whether it should be actually libellous or not. Under the existing law what is punished is not slander but libel and that against the ruler of a foreign State. Here what is sought to be done is this. Section 2 which is an all-comprehensive section, is so worded as to include anything and everything. If tomorrow I make an allegation against the ruler of Afghanistan or I circulate something which may be perfectly harmless, I will be liable to be punished under that section and probably sentenced to two years imprisonment, rigorous or simple, depending on the discretion of the Magistrate.

Then, Sir, it is said that legislation on this subject has to be passed very soon as the period of the Ordinance promulgated by H. E. the Viceroy in April last is about to expire. I believe it is lapsing on the 5th of next month. But I ask the Honourable Mr. Howell, has the Viceroy not got power to pass another Ordinance of the same type extending over another period of six months, and will it not be possible to pass this measure, which is sought to be passed in such a hurry at Simla, at the Delhi Session, circulating it meanwhile for eliciting opinion thereon? It is a matter which cuts at the very root of the Indian Press. If there is anything in this country which Indians respect and enjoy, it is the freedom of the Press, and if, on the eve of reforms, the liberty of the Press which we value so dearly is to be curtailed in this way, if the Press is to be stifled to the degree to which it is sought to be stifled, I really do not know what the effect of that is going to be. We have to reciprocate the good faith of those who have framed such legislation. My friend, Mr. Brooke Elliott, very wisely alluded in his remarks saying that reciprocity was the thing which was really wanted. He told us that you should do unto others as you would wish to be done by them. But I ask, is the Englishman in India observing that principle? Is he practising that rule? If really he had any regard for that principle and if he had adhered to it, I dare say, I venture to say, that no complications would enter into the deliberations in this House and every measure brought forward by the Treasury Benches would have our hearty acceptance. I therefore commend this motion for circulation.

**Mr. C. Brooke Elliott :** If the Honourable Member would put my text into the text of the Bill, I should have no objection.

**Several Honourable Members :** The question may now be put.

The motion was adopted.

**Mr. E. B. Howell :** I have no wish to make any reply, Sir.

**Mr. President :** The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1922."

The Assembly divided :

AYES—35.

Abdoolah Haroon, Seth Haji.

Abdur Rahim, Sir.

Anwar-ul-Azim, Mr. Muhammad.

Azhar Ali, Mr. Muhammad.

L234LAD

Badi-uz-Zaman, Maulvi.

Chetty, Mr. R. K. Shanmukham.

Chinoy, Mr. Rahimtoola M.

Fazal Haq Piracha, Shaikh.

## AYES—contd.

Gour, Sir Hari Singh.  
 Ibrahim Ali Khan, Lt. Nawab Muhammad.  
 Jadhav, Mr. B. V.  
 Jehangir, Sir Cowasji.  
 Jog, Mr. S. G.  
 Kyaw Myint, U  
 Lalehand Navalrai, Mr.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Muazzam Sahib Bahadur Mr. Muhammad.  
 Murtuza Sahib Bahadur, Maulvi Sayyid.  
 Pandian, Mr. B. Rajaram.  
 Patil, Rao Bahadur B. L.

Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sant Singh, Sardar.  
 Sarda, Rai Sahib Harbilas.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sohan Singh, Sirdar.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Thampan, Mr. K. P.  
 Uppi Sahib Bahadur, Mr.  
 Wilayatullah, Khan Bahadur H. M.  
 Ziauddin Ahmad, Dr.  
 Zulfiqar Ali Khan, Sir.

## NOES—58.

Allah Baksh Khan Tiwana, Khan  
 Bahadur Malik.  
 Anklesaria, Mr. N. N.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. R. S.  
 Banerji, Mr. Rajnarayan.  
 Bhuput Singh, Mr.  
 Brij Kishore, Rai Bahadur Lala.  
 Crerar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dudhoria, Mr. Nabakumar Singh.  
 Dyer, Mr. J. F.  
 Elliott, Mr. C. B.  
 Fazl-i-Husain, The Honourable Khan  
 Bahadur Mian Sir.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Griffiths, Mr. G. I.  
 Heathcote, Mr. L. V.  
 Hazlett, Mr. J.  
 Howell, Mr. E. B.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Knight, Mr. H. F.  
 Lal, Mr. S.  
 Lalchand, Rao Bahadur Captain.  
 Leach, Mr. F. B.

Montgomery, Mr. H.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Puri, Mr. Goswami M. R.  
 Raghubir Singh, Kunwar.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Rama Rao, Rai Bahadur U.  
 Rastogi, Mr. Badri Lal.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Singh, Kumar Gupteshwar Prasad.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sukhraj Rai, Rai Bahadur.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.

The motion was negatived.

Mr. President : I now call upon Mr. Maswood Ahmad to move his  
 ext amendment, for reference to Select Committee.

**Mr. M. Maswood Ahmad :** Sir, I beg to move :

“ That the Bill be referred to a Select Committee consisting of Mr. E. B. Howell, Sir Lancelot Graham, Sir Muhammad Yakub, Khan Bahadur Wilayatullah, Kunwar Hajee Ismail Ali Khan, Mr. R. K. Shanmukham Chetty, Mr. Muhammad Yamin Khan, Sir Abdullah Suhrawardy, Dr. Ziauddin Ahmad, Sir Hari Singh Gour, Mr. Muhammad Muazzam Sahib Bahadur, Lala Hariraj Swarup, Mr. Brooke Elliott, Mr. Gaya Prasad Singh, Mr. B. R. Puri, Mr. Jagun Nath Aggarwal, Mr. Murtuza Sahib Bahadur, Seth Haji Abdulla Haroon, Mr. Lalehand Navalrai and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. Muhammad Muazzam Sahib Bahadur :** I would suggest, Sir, that Mr. Jog's name be included in the list.

**Mr. President :** One more name has been suggested for addition, Mr. Jog. I should like to know whether the Mover is agreeable.

**Mr. M. Maswood Ahmad :** I have no objection.

**Mr. S. C. Mitra :** May I know whether the rest of the House cannot be added ?

**Dr. Ziauddin Ahmad :** Sir, as I do not agree with the principle of the Bill, I wish to withdraw my name from the Select Committee.

**Maulvi Sayyad Murtuza Sahib Bahadur :** I am also not willing to serve on the Select Committee.

**Khan Bahadur H. M. Wilayatullah :** Sir, I have not been in a fit state of health to serve on the Select Committee.

**An Honourable Member :** The Select Committee will meet only in Delhi. Do you expect to be ill then also ?

**Mr. President :** The Select Committee will meet in Simla. I want to know if the Honourable Member is willing to serve on the Select Committee or he is not.

**Khan Bahadur H. M. Wilayatullah :** I do not wish to serve on the Select Committee.

**Mr. Muhammad Muazzam Sahib Bahadur :** I request, Sir, that my name be withdrawn from the list.

**Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) :** I propose that the name of Mr. K. Ahmed be added to the list.

**Mr. President :** Do you object, Mr. Maswood Ahmad ?

**Mr. M. Maswood Ahmad :** I don't object, Sir.

**Mr. President :** The question is :

“ That the Bill be referred to a Select Committee consisting of :

Mr. Howell,

Sir Lancelot Graham,

Sir Muhammad Yakub,

Kunwar Hajee Ismail Ali Khan,

Mr. Shanmukham Chetty,

Mr. Muhammad Yamin Khan,

Sir Abdullah Suhrawardy,

Sir Hari Singh Gour,

Lala Hari Raj Swarup,



[Mr. President.]

Mr. Brooke Elliott,  
Mr. Gaya Prasad Singh,  
Mr. Lalchand Navalrai,  
Mr. B. R. Puri,  
Mr. Jagan Nath Aggarwal,  
Haji Abdulla Haroon,  
Mr. K. Ahmed,  
Mr. S. G. Jog, and the Mover."

The motion was adopted.

**Mr. President :** I should like to know whether the House wishes to proceed with the next Bill.

**Several Honourable Members :** No, Sir ; it is now too late.

**The Honourable Sir George Rainy :** I do not think the next Bill will take very long.

**Mr. President :** There are several amendments. If there were no amendments to the next Bill I would have taken it up now.

**The Honourable Sir George Rainy :** You might allow the Bill to be formally moved. I would remind the House that if we do not get through our business, we may have to sit longer at the end of the Session.

**Mr. President :** Yesterday the House had to be adjourned for want of a quorum.

**Several Honourable Members :** Adjourn, adjourn.

**Mr. President :** Is it the general feeling that the next Bill should be placed before the House by the Mover ?

**Several Honourable Members :** No, Sir ; it is now too late.

**Mr. President :** Those who are in favour of adjourning the House will please rise in their seats.

(A large number of Members stood up.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th September, 1931.

## LEGISLATIVE ASSEMBLY.

Thursday, 24th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

**Mr. President :** I understand that the Leader of the House wishes to make an important statement, and I call upon him to do so.

**The Honourable Sir George Rainy** (Leader of the House) : I should like in the first place, Mr. President, to apologise on behalf of my Honourable colleague the Finance Member for his inability to be present here to answer questions this morning. I shall, however, endeavour to answer the questions relating to his Department to the best of my ability. I should like to add that, with your permission, Mr. President, my Honourable colleague will desire to make a statement, when the House re-assembles after Lunch, upon the financial position.

### QUESTIONS AND ANSWERS.

#### INTRODUCTION OF WATER METER CARDS IN SIMLA AND NEW DELHI.

883 **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state the reasons why water meter cards have not been introduced so long for recording the water meter readings ?

**Mr. J. A. Shillidy :** Government see no reason to introduce such cards. They would serve no useful purpose and their maintenance would involve extra work and expense.

#### EXCESS WATER RATES CHARGED FOR QUARTERS IN PHAGLI, SIMLA.

884. **\*Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the numbers of the blocks in Phagli which have paid the lowest amount of excess water rate during the last five years ?

(b) Will Government be pleased to state the number of the units in Phagli which have been charged excess water less than a rupee a month during the last five summers ?

**Mr. J. A. Shillidy :** (a) The question is not understood, because only one block can have the lowest reading. That block is C-9.

(b) Government do not propose to supply the information as the amount of labour involved in doing so would be incommensurate with the benefit attained.

#### STORAGE OF FODDER FOR CATTLE ON THE ROOFS OF THE LAVATORIES OF INDIAN CLERKS' QUARTERS IN NEW DELHI.

885. **\*Rao Bahadur M. C. Rajah :** (a) Is it a fact that fodder for cows, buffaloes and goats is not allowed to be kept on the roofs of the lavatories in the Indian Clerks quarters in New Delhi ? If so, why ?

(b) Have Government received any representation from the residents of the Government quarters in New Delhi on the subject ? If so, what action, if any, has been taken thereon ?

(c) Is it a fact that the lavatories in Indian clerks quarters are quite detached from the main building ?

(d) Do Government propose to build small sheds with corrugated iron sheets in the court-yard of quarters for the storage of fodder ? If the answer is in the negative, do Government propose to consider the advisability of relaxing the rule for the storage of fodder ?

**Mr. J. A. Shillidy :** (a) There are no orders specially prohibiting the storage of fodder, etc., on the roofs of the lavatories of Indian clerks' quarters. The only orders issued under which the storage of fodder is prohibited are orders of a general nature prohibiting the storing of inflammable material on roofs and in verandahs.

(b) No such representation is traceable.

(c) Yes.

(d) (i). No.

(ii) No.

#### GRANT OF PENSIONS TO THE FAMILIES OF SOLDIERS KILLED IN THE BURMESE REBELLION.

886. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) What rewards and pensions have been granted to the families of the soldiers who laid down their lives in suppressing the Burma rebellion ?

(b) Do Government contemplate to publish a White Paper on the Burma rebellion for the information of the public in India ?

**The Honourable Sir James Crerar :** (a) I would refer the Honourable Member to the reply given by the Army Secretary to part (c) of Mr. Ranga Iyer's starred question No. 651.

(b) A report by the Local Government was published on the 6th July, 1931 and weekly appreciations of the situation have since been and are being issued regularly. It is not proposed to issue any further statement at present, but the Honourable Member may rest assured that the public will be kept fully informed.

#### RETRENCHMENT OF EMPLOYEES OF THE EAST INDIAN RAILWAY TRAFFIC ACCOUNTS OFFICE, HOWRAH.

887. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) Will Government be pleased to state whether they are aware that over 40 young men belonging to the East Indian Railway Traffic Accounts Office, Howrah, have been turned out into the streets on 24 hours notice to swell the ranks of the unemployed definitely against the orders of the Railway Board that no further discharge should take place ?

(b) If the answer to part (a) is in the affirmative, is it a fact that considerable reduction had already taken place and no further reduction was contemplated ?

(c) Are Government aware that in the name of economy all sorts of favouritism and injustice are being perpetrated in railway retrenchment ?

(d) Is there any chance of these youngmen being reinstated in their services ?

(e) Are Government aware that many of these are graduates and that they rendered good service during the time of their employment ?

**Mr. A. A. L. Parsons :** (a) No. Twenty-three temporary clerks engaged for purely temporary purposes were discharged on the termination of their work. This was not against the orders of the Railway Board.

(b) Does not arise.

(c) No.

(d) I can see no present likelihood.

(e) Some of these men were graduates but they could not be kept on when the work for which they were entertained temporarily was finished.

†888.

#### INQUIRIES IN BARDOLI AND THE NORTH-WEST FRONTIER PROVINCE.

889. **\*Mr. Badri Lal Rastogi** (on behalf of Rai Bahadur Sukhraj Rai) : (a) When will the Bardoli Inquiry Committee begin its work ? What is the reason of the delay ? Is it proposed to hold any inquiry into the alleged breaches of the truce terms in the North-West Frontier Province, as pressed by the " Frontier Gandhi " ?

(b) What is the general policy of Government with regard to the treatment of " Red Shirts " ?

**The Honourable Sir James Crerar :** (a) The Bardoli inquiry is expected to commence about the 1st October. The delay is due both to the difficulty of relieving Mr. Gordon who is to conduct the inquiry and of travelling at this season in Bardoli Taluka for the purpose of visiting villages. It is not proposed to hold any inquiry into the alleged breaches of the Delhi Settlement in the North-West Frontier Province. In this connection I would refer the Honourable Member to the communiqué and correspondence published on August 28th last.

(b) I would refer the Honourable Member to the letter dated August 19th last addressed by His Excellency the Viceroy to Mr. Gandhi which contains a statement of policy of general application.

#### RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

890. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if a candidate who has been deprived of a regular degree under the technicality of the Regulation No. 11-A., pages 184-85, Punjab University Calendar, 1930-31 for the simple reason of his passing any of the

†This question was withdrawn by the questioner.



Honours examinations in the Oriental Faculty of the Punjab University *subsequent and not prior to* his lawfully passing the B.A. examination in the subject of English only on the strength of any of the vernacular languages examinations, *viz.*, Urdu (*vide* Regulation No. 7-A, pages 163-64, Punjab University Calendar, 1930-31), which examination he might have previously passed, is eligible under the proviso to the rule (8) of the Rules for the Indian Civil Service Examination or any other Imperial Services examinations for which such a proviso exists ? If not, why not ?

(b) Do Government propose to remove this obvious stumbling block in the way of aspiring candidates ? If so, how ? If not, why not ?

(c) Are Government aware that one such candidate has applied to the Public Service Commission for admission to the I. C. S. open competition examination to be held in January, 1932, under the proviso to rule (8) of the Rules for the I. C. S. examination, through the Deputy Commissioner, Rawalpindi District ?

**The Honourable Sir James Crerar :** (a) No ; because the proviso relates only to examinations conducted by institutions other than Universities.

(b) If there is any case for amendment the matter seems to be one for the Punjab University.

(c) Yes.

#### RULES FOR THE ADMISSION OF CANDIDATES TO THE INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICES.

891. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state what are the " exceptional cases " that are contemplated in the proviso to rule (8) of the Rules for the I. C. S. examination or any other Imperial Service examinations, for which it is so provided ?

(b) Will Government be pleased also to state how many candidates have hitherto been admitted under the said proviso and what were their educational qualifications ?

**The Honourable Sir James Crerar :** (a) Cases in which there are in the opinion of the Local Government and the Public Service Commission adequate reasons for giving a candidate the benefit of the exception provided by the rule.

(b) Two : one to the Indian Audit and Accounts Service examination and one to the Indian Police Service examination. A statement showing their educational qualifications is placed on the table :

*Candidate for the Indian Audit and Accounts Service—*

Passed—

1. Government Diploma Examination in Accountancy.
2. Advanced test in Book-keeping, Banking and Method of Machinery and Business of the London Chamber of Commerce.
3. Advanced Accountancy test of the National Union of Teachers, London.

*Candidate for the Indian Police Service—*

1. Passed Matriculation Examination (Punjab University).
2. Studied at the Royal Indian Military College, Dehra Dun.
3. Obtained two years' training at the Royal Military College, Sandhurst.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS IN CERTAIN OFFICES.

892. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government please state the number of Muslim Superintendents in the following offices ?

1. Director General, Indian Medical Service.
2. Director, Public Information Bureau.
3. Director, Intelligence Bureau, Home Department.
4. Director General of Archaeology.
5. Central Board of Revenue.

(b) Are there no Muslims in these offices who could be appointed as Superintendents on the retirement of existing members on account of impending retrenchment ?

(c) Is it a fact that the posts of Superintendents in these offices have been held by non-Muslims for the last half a century or so ?

(d) Are Government prepared to consider the claims of Muslims in filling the posts of Superintendents in these offices when they fall vacant and thus redress the longstanding grievances of the Muslims ?

The Honourable Sir James Crerar : (a) There are no Muslim Superintendents at present in the offices mentioned.

(b) I am informed that there are no Muslim assistants in these offices sufficiently senior to be selected at the moment for promotion to the post of Superintendent.

(c) No.

(d) The claims of candidates for promotion to the post of Superintendent are invariably considered on their merits.

REPRESENTATION OF VARIOUS COMMUNITIES IN APPOINTMENTS OF EXECUTIVE ENGINEERS IN THE DELHI P. W. D.

893. \*Mr. M. Maswood Ahmad : (a) Is it a fact that the percentage of Sikhs and Christians is higher than that of Hindus and Muslims in the permanent cadre of Executive Engineers in the Delhi P. W. D. ? If so, will Government kindly give reasons for this ?

(b) Will Government kindly state the respective number of Hindu, Muslim, Sikh and Christian Engineers permanently appointed in the Delhi P. W. D. in 1930 to work as Executive Engineers, with their percentage to the total in each case ?

Mr. J. A. Shillidy : (It is assumed that the information asked for in questions Nos. 893—896 is in respect of the Central Public Works Department and not the Delhi Public Works Department alone as the latter forms part of the Central Public Works Department and is not a separate organization. With this remark, the answers are as follows) :

- (a) Yes, it is so at present. The reason is that officers already in the Department had prior claims to permanent appointment as Executive Engineers in the Department in preference to any others who might have been eligible for such appointment.

(b) Hindu	..	..	1	16.67 per cent.
Muslim	..	..	1	16.67 per cent.
Sikhs	..	..	2	33.33 per cent.
Christians (European)	..	..	2	33.33 per cent.

#### EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

894. \***Mr. M. Maswood Ahmad** : Is it a fact that the Engineers, who were permanently appointed in the Delhi P. W. D. to work as Executive Engineers, were on deputation in the Delhi P. W. D. ? If so, will Government kindly state what rank they were holding before permanency in the Delhi P. W. D. ?

**Mr. J. A. Shillidy** : Yes. They were all holding the rank of Executive Engineer, four of them permanently and two of them temporarily. The permanent rank of the latter two was that of Assistant Engineer.

#### EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

895. \***Mr. M. Maswood Ahmad** : Is it a fact that some of the Engineers, who are permanently appointed in the Delhi P. W. D. have not passed the recognised Civil Engineer's examination ; if so, will Government kindly state the reasons for appointing such men as Executive Engineers in the Central P. W. D., Delhi ?

**Mr. J. A. Shillidy** : Yes, two of the officers concerned have not passed the Civil Engineer's examination but they passed the Upper Subordinate's examination. They have been appointed as Executive Engineers on account of their long experience of the work in the Department, coupled with their seniority and fitness for holding such rank.

#### EXECUTIVE ENGINEERS APPOINTED TO THE DELHI P. W. D.

896. \***Mr. M. Maswood Ahmad** : Is it a fact that some Engineers of recognised qualification, who are serving in the Delhi P. W. D. as Executive Engineers are not brought into the permanent cadre ? If so, will Government kindly state their names and give reasons of preferring the men of lower qualification for permanent cadre in presence of those of higher qualification ?

**Mr. J. A. Shillidy** : Yes. The names of such officers are Messrs. Wazir Dayal and S. P. Bett. The reasons have already been given in reply to questions Nos. 893 (a) and 895.

#### EXAMINATIONS FOR APPOINTMENT OF SUBORDINATES IN THE DELHI PUBLIC WORKS DEPARTMENT.

897. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that a professional departmental examination for the posts of subordinates took place in the Delhi P. W. D. in 1930 ?

(b) Is it a fact that Executive Engineers of the Delhi P. W. D. were informed of the said departmental examination under Circular Memorandum No. 01412/E., dated 6th May, 1930 ?

(c) Has this examination been allowed by the Public Service Commission or the Government of India ?

(d) What are the names of the examiners with their designations ?

(e) What is the total amount of the honorarium paid to examiners and from which fund ?

(f) What is the total number of candidates who appeared in the examination ?

(g) For how many days the examination was held ?

(h) How many candidates were outsiders and how many belonging to the Department ?

(i) What are the rules and regulations for candidates to appear in this examination ? What educational and technical qualifications are required for this examination ?

(j) What was the respective number of candidates of different communities who appeared in the said examination ?

(k) How many candidates passed the examination and to which community they belong ?

(l) What are the educational and technical qualifications of passed candidates ?

(m) Are the passed candidates given the posts of subordinates ?

(n) Have Government considered the question of conducting the examination through the Engineering College, Roorkee ? If not, why not ?

(o) What is the number of qualified registered candidates from recognised colleges for the posts of subordinates in the Delhi P. W. D. ?

(p) Have all of them been provided with some job ?

(q) Why were the vacancies not advertised for public information to get duly qualified candidates of recognised colleges ?

(r) How many candidates were residents of the Delhi Province in the said departmental examination ?

(s) Has the said examination taken place this year too ? Have all the candidates, who sat in the examination, passed ?

(t) Has the said examination ever been held in the Delhi P. W. D. before 1930 ; if not, why was such an examination devised in the Delhi P. W. D. in 1930 ?

**Mr. J. A. Shillidy :** (a) Yes.

(b) Yes, on the 16th May, 1930.

(c) The reply is in the negative.

(d) Mr. F. T. Jones, C.I.E., M.V.O., Superintending Engineer. Sardar Bahadur Teja Singh Malik, C.I.E., Superintending Engineer. Khan Bahadur Muhammad Solaiman, Executive Engineer. Mr. G. B. Davidson, Assistant Accounts Officer. Mr. R. T. Macelesfield, Quantity Surveyor.

(e) Rs. 174—against office contingencies.

(f) Nineteen.

(g) Three days.

(h) Outsider one. Departmental 18.

(i) The reply to the first part of the question is that the examination was open to all work charged men of not less than five years' approved service in the Delhi Public Works Department. The reply to the second part is that a Subordinate who desired to be examined should apply through his immediate superior for admission to the examination. This application should be accompanied by a report on his fitness to be examined by a Divisional Officer under whom he is serving.

(j) Muslims 8.

Hindus 6.

Sikhs 5.

(k) Four passed—Namely, one Muslim and three Sikhs.

(l) Bhagwant Singh—Matriculate and Overseer from Civil Engineering College, Ludhiana, and practical experience in the work charged establishment in the Delhi Public Works Department for about three years.

Badrud-din—Intermediate Arts, work charged service experience in Delhi Public Works Department since 1921.

Nahar Singh—Studied up to Matric, work charged service in the Delhi Public Works Department since 1920.

Labh Singh—Matriculate. Passed Sub-Engineers class from Hewett Engineering School, Lucknow, work charged service in Delhi Public Works Department since 1924.

(m) Three were appointed to temporary posts. One is now being discharged owing to reduction of establishment.

(n) No. This was only a Departmental test.

(o) The names of 32 qualified candidates have been registered since 1928.

(p) Two only.

(q) As the examination was one of a purely departmental nature, it was not considered necessary to advertise it.

(r) The information is not readily available.

(s) The reply to both the parts is in the affirmative.

(t) The reply to the first part is in the negative. The examination was introduced by the Chief Engineer to help him to decide who should receive promotion.

#### TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

998. \*Mr. M. Maswood Ahmad : (a) Will Government kindly state how many temporary subordinates were appointed in the Delhi P. W. D. during the years 1929 and 1930 ?

(b) Is it a fact that all the temporary subordinates, who were appointed in the regular establishment of the Delhi P. W. D. in 1929 and 1930, were ordered to appear in the departmental examination of subordinates held in 1930 in the Delhi P. W. D. ? If not, how many men were exempted from the examination ? What are their educational and technical qualifications ? What are the reasons for exempting them from the examination ? What is the past experience of these men ? What pay were they given at the time of appointment ? What is the starting pay for a new subordinate in the Delhi P. W. D. ?

**Mr. J. A. Shillidy :** (a) Eighteen including two officiating appointments.

(b) Yes, those who were recruited from the work charged establishment and excluding those who had acquired degrees from recognised institutions.

Only one was exempted and his qualifications are : Matriculate.

Overseer from the Ludhiana Civil Engineering School.

Practical training for wood seasoning at the Forest Research Institute, Dehra Dun.

The reason for exempting him was that his work was entirely of a different character from that of the members of the Subordinate Engineering Service in the general line. His duties are confined only to wood work activities for which he has received a practical training from the Forest Research Institute. His past experience was work charged service in the Department since 1920. He was given a pay of Rs. 192 per mensem on appointment. The starting pay for a new subordinate in the Central Public Works Department is Rs. 80 in the grade of Rs. 80—7—255.

#### TEMPORARY SUBORDINATES APPOINTED TO THE DELHI PUBLIC WORKS DEPARTMENT.

899. **\*Mr. M. Maswood Ahmad :** Is it a fact that the work-charged people who were brought into the regular establishment of temporary subordinates in the Delhi P. W. D. before 1929 were not ordered to appear in the said departmental examination ? If so, will Government kindly state when these temporary subordinates will be examined ; if not, why not ?

**Mr. J. A. Shillidy :** The reply to the first part of the question is in the affirmative. As to the second part the reply is in the negative.

The decision to institute this examination was only made in 1929.

#### DELHI PUBLIC WORKS DEPARTMENT EXAMINATION FOR ENGINEERS.

900. **\*Mr. M. Maswood Ahmad :** Will Government kindly state whether any departmental examination will be held in the Delhi P. W. D. this year for the post of Engineers ; if so, when, and if not, why not ?

**Mr. J. A. Shillidy :** The reply to the first part of the question is in the negative. As to the second part, reductions are being made and the prospects of any fresh recruitment in the near future are remote.

EXPENDITURE FOR ELECTRIC CHARGES FOR THE DELHI CIVIL LINES  
POST OFFICE.

901. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the total amount spent on account of electric charges for the Delhi Civil Lines Post Office, by the Postal Department during the last three years and the amount spent during the preceding three years ?

(b) Will Government be pleased to state the reasons for any abnormal increase in the charges incurred during the last three years ?

(c) What action do Government propose to take to save them from such increases in future ?

**Sir Hubert Sams :** It is regretted that the information is not available and could not easily be collected.

CHARGES AGAINST MR. J. C. O'LOUGHLIN, POSTMASTER, DELHI.

902. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state in detail the charges which resulted in the degradation and transfer of Mr. J. C. O'Loughlin, Postmaster, Delhi, as Assistant Postmaster, Bombay ?

(b) Will Government be pleased to state what action they have taken or propose to take against the persons who helped Mr. O'Loughlin in his irregular actions ?

**Sir Hubert Sams :** (a) Government do not consider that any useful purpose would be served by furnishing the information asked for.

(b) Government have no information. The matter is within the competence of the Postmaster General.

MOTOR MAIL MILEAGE OF THE DELHI POST OFFICE.

903. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether the records show the extra motor mail mileage in the Delhi Post Office ?

(b) Will Government say in whose custody and instructions and under whom the record of the extra motor mail mileage in the Delhi Post Office is kept ?

(c) Is it a fact that the cost of petrol used by Mr. O'Loughlin, the late Postmaster of Delhi, for his and for trips of certain officials, was made good out of this extra mileage ?

(d) Do Government propose to inquire into the matter ?

**Sir Hubert Sams :** Enquiries are being made and the information asked for by the Honourable Member will be sent to him separately.

RENT FOR GOVERNMENT QUARTERS PAID BY CLERKS IN SIMLA AND DELHI  
DURING THE MONTHS OF APRIL AND OCTOBER.

904. **\*Sirdar Harbans Singh Brar :** (a) Is it a fact that clerks of attached and subordinate offices who are provided with Government quarters at Simla are required to pay full rent during the months of April and October every year in addition to the rent of quarters at Delhi, though

there have been overlapping periods in these months on account of the move of their offices ?

(b) Is it a fact that officers who are availing themselves the same privileges are only paying actual rent for Government buildings during the months of April and October (from the date of their occupation in Simla quarters to date of vacation or from the date of opening and closing of their offices whichever is earlier) and are thus given the advantage of the move of their departments ?

(c) If the answers to parts (a) and (b) above are in the affirmative, will Government please give reasons for the differential treatment meted out to clerks ?

(d) Is it also a fact that repeated representations to Government on the subject to remove this distinction and to refund the extra rent recovered to the individuals concerned have been turned down ?

(e) If the answer to part (d) above is in the affirmative, are Government prepared to give reconsideration to their decision and take early steps to refund the excess rent recovered from clerks ?

**Mr. J. A. Shillidy :** I am examining the point raised by the Honourable Member and will communicate the result to him in due course.

#### ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

905. **\*Bhai Parma Nand :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff, altogether ?

(b) What is this allowance and when and why was it sanctioned ? Have the grounds, on which it was granted, ceased to exist or are they still in existence ?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) Do Government propose to fix a minimum standard of pay of an individual, below which the pay and allowance of any servant, granted before the war when the prices were at par with the present prices, should not be reduced ? If not, why not ?

(e) If the answers to parts (a) and (c) be in the affirmative, do Government propose to let this allowance stand as it is ?

**The Honourable Sir James Ormer :** (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 17th September, 1931, to parts (a) (i), (e) and (f) of Mr. Anwar-ul-Azim's unstarred question No. 70.

(c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

(d) I am afraid the suggestion has not yet been considered.

#### CONVEYANCE ALLOWANCE GRANTED TO THE STAFF OF THE GOVERNMENT INDIA SECRETARIAT AT DELHI.

906. **\*Bhai Parma Nand :** (a) Will Government be pleased to state what is the rate of conveyance allowance granted to the staff of the



Government of India while at Delhi ? Why and for what purpose was it sanctioned ?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers also ? If so, what is the percentage of reduction of this allowance in the case of both ?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries ?

**The Honourable Sir James Crerar :** (a) Conveyance allowance is granted to those who apply for, but are not provided with accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32 but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.

#### PAY AND ALLOWANCES OF I. C. S. OFFICERS.

907. **Bhai Parma Nand :** (a) Will Government be pleased to state what is the time-scale of pay of the I. C. S. officers ?

(b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not those grounds since disappeared ? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

**The Honourable Sir James Crerar :** (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.

(b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions, I would refer the Honourable Member to Rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.

(c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

(d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month respectively in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.

(e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

†908—913.

#### APPOINTMENT OF MUSLIMS IN RAILWAY SERVICES.

914. \***Mr. Muhammad Azhar Ali :** (a) With reference to the statement made by the Hon'ble Sir George Rainy on the floor of this House in the last Delhi Session to the effect that special measures will have to be adopted by the Railway Department to give the Muslims their due share of Government services, will Government be pleased to state what special measures were actually adopted by the Railway Administration and with what result ?

(b) What instructions were issued to the two Muslim Deputy Agents, specially deputed for the purpose of safeguarding the interests of Muslims when recruitments are made for various branches of Railway Services and the extent to which the interests were actually safeguarded ?

**Mr. A. A. L. Parsons :** (a) Recruitment on railways has been practically suspended since the last Delhi Session, but action has been taken by the Railway Department to implement the undertaking given in order to pave the way for securing to Muslims a fair share of representation in the railway services when normal recruitment is resumed.

(b) Of the officers mentioned by the Honourable Member, one was a Muslim and the other a Sikh. Their instructions were :

- (i) to visit the headquarters of Railway Administrations and also places on the State-managed Railways and offices under the Railway Board and Financial Commissioner of Railways where recruitment or promotions of non-gazetted employees are made and to observe the manner in which these matters are conducted and also the practical application of the rules relating to the training of the subordinate staff,
- (ii) to advise and assist the Agents and other controlling authorities in the instruction of such arrangements as may be necessary to secure the fullest compliance with the policy of Government regarding the adequate representation of Muslims and other minority communities in the various classes of non-gazetted establishments, and
- (iii) to report on these matters to the Railway Board.

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†These questions were withdrawn by the questioners.

### HINDU AND MUHAMMADAN RESERVE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

915. **\*Mr. Muhammad Azhar Ali :** (a) In how many places did the reserve clerks named Zahur Ahmad, B.A., Mokulesur Rahman, B.A., Jittar Rahman, B.A., Waziullah Majumdar, B.A., Zulfikar Ali, B.A., of the Calcutta General Post Office, work during the last two years ?

(b) In how many places did the reserve clerks named Makham Lal Ganguly, Prayagdeb Ganguly, Tarak Chandra Chatterjee and Harendra Nath Bose of Calcutta General Post Office work during the last two years ?

(c) Is it a fact that whenever a Muhammadan reserve clerk is put in the Correspondence Department, Babu Sailendra Nath Banerjee, the Office Superintendent takes the earliest possible opportunity to relieve him from the Correspondence Department ?

(d) Is it a fact that the reserve clerks mentioned in part (b) are never relieved from the Correspondence Department ?

(e) Is it a fact that the reserve clerks mentioned in part (b) have been placed to work in some important places of the Correspondence Department permanently, removing the permanent incumbents from those places ?

(f) Is it a fact that a Reserve Clerk has to learn all sorts of executive work during his reserve period ?

(g) If the replies to the above questions be in the affirmative, are Government prepared to take steps against the Office Superintendent and relieve the Reserve Clerks mentioned in part (b) from the Correspondence Department so that they may learn work of all the Departments of the Post Office ?

**Sir Hubert Sams :** (a) to (e). Government have no information.

(f) Yes.

(g) The matter is within the competence of the Postmaster General, to whom a copy of the question is being sent.

### APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.

916. **\*Mr. S. C. Mitra :** (a) Are Government aware that the candidates who passed in the last competitive examination of the Public Service Commission in the third Division cannot type even from typewritten matter ?

(b) Is it a fact that the abovementioned candidates have been provided with appointments before their typing examination was held ?

(c) If the answer to parts (a) and (b) are in the affirmative, do Government propose not to appoint them before they pass the typing test ?

**The Honourable Sir James Crerar :** (a) No.

(b) Candidates are appointed subject to their passing a test in typing as soon as this can be arranged. Some of those so appointed have failed in that test.

(e) I will enquire from the Public Service Commission whether it could be arranged to hold the typing test at the same time as the written examination.

**APPOINTMENT OF TYPISTS IN GOVERNMENT OF INDIA DEPARTMENTS.**

917. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the percentage of unpassed candidates replaced by the passed candidates in each department and the number of years Government service these unpassed candidates have ?

(b) Is it a fact that in certain offices of the Government of India the percentage of replacement made is much higher than in other offices ? If so, why ?

(c) Do Government propose to have a uniform percentage of replacement made in each office ?

(d) Are Government aware that almost all the unpassed candidates are being replaced in Headquarters, Royal Air Force, whereas no replacement at all is made in the Medical Directorate ? Is it a fact that in the Indian Stores Department they have appointed about 12 unpassed men against 40 vacancies ? If so, why in the Royal Air Force Headquarters are all the unpassed men being served with notices ?

(e) Is it a fact that 12 candidates appeared at the typing test held on the 29th August, 1931 ? If so, will Government be pleased to state the names of the candidates and the number of words per minute each of the candidates have typed in that test ?

(f) Will Government be pleased to state the number of candidates amongst those 12 who were successful at the typing test ?

**The Honourable Sir James Crerar :** (a) and (b). The information is not readily available as the labour involved in collecting it would not be commensurate with the results obtained.

(c) No. The rules regarding the recruitment to the clerical staff of the Government of India Secretariat and attached offices, lay down that permanent posts should not be filled by unqualified men except temporarily when no qualified candidates are available.

(d) Under the orders relating to recruitment, permanent vacancies are to be filled by qualified candidates or those specially exempted by the Public Service Commission. In pursuance of these orders the Royal Air Force and the Medical Directorate are replacing their unqualified candidates by qualified ones. In the Indian Stores Department no unpassed clerks are at the moment employed against permanent vacancies.

(e) The reply to the first portion is in the affirmative. I am not prepared to furnish the names.

(f) Three.

**ARTICLES IN THE "MUSLIM OUTLOOK" ABOUT KASHMIR.**

918. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to a series of articles in the *Muslim Outlook* of Lahore regarding the Indian State of Kashmir ?

(b) Have Government taken legal opinion or do they propose to take such opinion as to whether these articles contravene the provisions of the Princes Protection Act ?

**Mr. E. B. Howell :** (a) Yes.

(b) No.

#### ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

919. \***Mr. S. C. Mitra :** Has the attention of Government been drawn to a series of articles and communications from special correspondents in the *Statesman* on the subject of the internal administration of Kashmir State and have they taken legal opinion on those articles as to how far they are calculated to bring the administration of Kashmir into contempt and offend against the provisions of the Princes Protection Act ?

**Mr. E. B. Howell :** The answer to the first part of the question is in the negative. The second part does not therefore arise.

**Mr. Gaya Prasad Singh :** Was not the *Statesman* allowed to carry on its nefarious propaganda against Kashmir on the eve of the Round Table Conference to show that communal trouble was not confined to British India alone ?

**Mr. E. B. Howell :** I have no information on the point.

**Mr. Gaya Prasad Singh :** Why was no action taken against this offending journal under the Princes Protection Act ?

**Mr. E. B. Howell :** I must invoke your protection, Sir, on the strength of Rule 8 (ii) of the Rules, in which it is laid down that no question 'shall be asked in regard to any matter affecting the relations of any Prince or Chief under the suzerainty of His Majesty with His Majesty's Government or the Governor General in Council'.

**Mr. President :** The Honourable Member knows that the Chair took a great deal of care in admitting the question. It was admitted in spite of the Rule to which the Honourable Member has drawn attention on the ground that the question relates to an Act of the Indian Legislature. The Chair holds that Honourable Members are entitled to ask questions in regard to legislation which stands on the Indian Statute Book. That being so, any supplementary questions which deal directly with that legislation are admissible. If any questions are asked which come within the purview of the Rule to which the attention of the Chair has been drawn by the Honourable Member, they will be disallowed.

**Mr. Gaya Prasad Singh :** May I have an answer to my question ?

**Mr. E. B. Howell :** I have already said that I have no information on the subject.

**Mr. Arthur Moore :** May I ask the Honourable Member to explain to what propaganda the supplementary question refers ?

**Mr. Gaya Prasad Singh :** Will the Honourable Member refer to the files of his own paper ? My next question is why was not the provision of the Princes Protection Act invoked against the *Statesman* ?

**Mr. E. B. Howell :** The Ruler of the State did not ask for the application of the measure.

**Mr. Arthur Moore :** May I ask what is the Honourable Member referring to, in respect of which this Act has to be invoked ?

**Mr. Gaya Prasad Singh :** I am not here to answer questions put by Mr. Moore.

**Mr. President :** Will the Honourable Member put such supplementary questions as will help him to obtain from the Member in charge such information as will elucidate his point ?

**Mr. Arthur Moore :** May I ask the Honourable Member who is asking supplementary questions to elucidate his question ?

**Mr. Gaya Prasad Singh :** It is for the member of the Government to say whether the question is sufficiently clear or not. I was going to ask another question. Is it provided in the Princes' Protection Act that the Ruler of the State must have to apply, before action is taken against the offending journal ?

**Mr. E. B. Howell :** I believe not, Sir.

**Mr. Gaya Prasad Singh :** Then may I know why the Government of India did not of its own accord proceed against the offending journal ?

**Mr. E. B. Howell :** Because it was not asked for.

**Mr. Gaya Prasad Singh :** Is it mentioned in the Princes' Protection Act that, before action is taken against an offending journal, the Ruler of the State must ask for action to be taken ?

**Mr. Arthur Moore :** May I ask the question, "has the journal offended" ?

**The Honourable Sir George Rainy :** I may perhaps reply, Sir, to the question put by the Honourable Mr. Gaya Prasad Singh. I should say this, that the Honourable Member is assuming that Government admit that there were grounds for proceeding under the Act. The Government of India have made no such admission. (Loud Applause.)

**Mr. Gaya Prasad Singh :** Did the Government of India take legal opinion on the subject of the articles that appeared in the *Statesman* relating to the internal administration of Kashmir ? If not, why not ?

**The Honourable Sir George Rainy :** That is a question of which the Honourable Member should give notice.

**Mr. Gaya Prasad Singh :** That is a fine way of getting out of an inconvenient position.

#### MUSLIM AGITATION AGAINST THE KASHMIR STATE.

920. **\*Mr. B. Das** (on behalf of Bhai Parma Nand) : Will Government be pleased to state :

- (a) whether they are aware of the agitation which is being carried on by a section of the Muslim Press and of the Mussalman community against the Kashmir State in various parts of British India ;

(b) whether they are aware that this agitation originated in the Punjab ; and

(c) whether Government propose to exercise their powers under the Princes' Protection Act ?

**Mr. E. B. Howell :** (a) I have seen articles in the Press on the subject.

(b) The Government of India have no information.

(c) No.

#### ARTICLES IN THE "STATESMAN" ABOUT KASHMIR.

921. **\*Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state whether they are aware of the propaganda carried on by the *Statesman* for the last few weeks against the Hindus and nationalist Press in general ?

(b) If so, what action has been taken by them against the paper ?

(c) Are Government aware that this paper has opened its columns to a systematic campaign against the Hindu Maharajah of Kashmir ? If so, why has not the Princes' Protection Act been used against it ?

**Mr. E. B. Howell :** (a) Government are not aware of any articles, which have appeared in the journal mentioned that exceed the bounds of reasonable criticism.

(b) Government have taken no action.

(c) The answer to the first part of the question is in the negative and the second part does not arise.

#### THE PRINCIPLE OF "DIVIDE AND RULE".

922. **\*Mr. B. N. Misra** (on behalf of Mr. A. Hoon) : (a) Are Government aware of the fact that in a Despatch, dated the 14th May, 1859, Lord Elphinstone, Governor of Bombay, in a Minute wrote "*Divide Et Impera* was the old Roman motto and it should be ours" ?

(b) Are Government prepared to say that this motto is not followed by them now in carrying on the administration of this country ?

(c) Are Government aware of the fact that it has been declared publicly in newspapers and on the platform in India that the basic principle of administration in India is divide and rule ?

(d) If so, will Government state why they have not taken any action against any one for making such an allegation ?

(e) If the answer to part (c) is in the negative, will Government please say if they have got a Department whose duty it is to report all such matters, if they appear in any newspaper ?

**The Honourable Sir James Crerar :** (a) I have failed to trace the Minute to which the Honourable Member refers.

(b) I can say most emphatically that the principle is not followed.

(c), (d) and (e). The allegation is sometimes made. The question as to whether such an allegation would be actionable depends on the context in which it is made. Even it were actionable, it would be contrary to the policy of Government to file a prosecution under section

124-A, of the Indian Penal Code unless they regarded the consequences of such an allegation as serious. This, of course, would not ordinarily be the case.

**METERS ATTACHED TO CLERKS' QUARTERS AT PHAGLI, SIMLA.**

923. \***Rao Bahadur M. C. Rajah** : (a) Will Government be pleased to state the total cost of the meters attached to the quarters in Phagli ?

(b) Will Government be pleased to state from whom these meters were purchased by the officers of the Public Works Department ?

**Mr. J. A. Shillidy** : (a) Rs. 11,061.

(b) Messrs. Balmer Lawrie and Company, Calcutta.

**THE BURMA REBELLION.**

924. \***Rai Bahadur Sukhraj Rai** : (a) Will Government be pleased to state what are the direct and the indirect causes that led to the recent armed rebellion in Burma ?

(b) What is the approximate number of lives, Indian and Burman, that were lost in the rebellion ? What were the casualties on the part of the military forces that were sent to quell the rebellion in Burma ?

(c) What is the estimate of the damage to property occasioned by the rebellion ?

**The Honourable Sir James Crerar** : I would invite the Honourable Member's attention to parts (a) and (b) of the answer given by me to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September. As regards casualties among the military forces, I would refer to the reply given by the Army Secretary to part (a) of Mr. Ranga Iyer's starred question No. 651.

**MUSLIM AND NON-BRAHMIN APPOINTMENTS IN THE CENTRAL POSTAL CIRCLE.**

925. \***Mr. M. Maswood Ahmad** : (a) Has the attention of Government been drawn to an article, " Dignified Support of a Broad-minded Hindu ", which appeared on pages 22 and 23 of the *Postal Advocate*, Delhi, August, 1931 issue ?

(b) Are Government aware that the Muslims and non-Brahmins who belong to the minority community in the Central Postal Circle are very badly treated there ?

(c) Do Government propose to take any action in the matter ?

**Sir Hubert Sams** : (a) Government have seen the article.

(b) Government are not aware that the case is as stated.

(c) The matter will be looked into.

†926.



## POPULATION OF THE DEPRESSED CLASSES IN VARIOUS PROVINCES.

927. **\*Rao Bahadur M. C. Rajah** : Will Government be pleased to state the population of the depressed classes in the various provinces in India according to the latest census ?

**The Honourable Sir James Crerar** : The figures are not yet available.

## REPRESENTATION OF DEPRESSED CLASSES IN CERTAIN OFFICES IN MADRAS.

928. **\*Rao Bahadur M. C. Rajah** : (a) Will Government be pleased to state either the number or the percentage of depressed classes representation in the following offices in Madras :—in the superior, subordinate and menial grades ?—

- (1) the Accountant General's Office,
- (2) the Currency Office,
- (3) the General Post Office,
- (4) the Post Master General's Office,
- (5) the Office of the Accountant General, Posts and Telegraphs,
- (6) the Office of the Commissioner of Income-tax, and
- (7) the various Post Offices in the city of Madras.

(b) What steps, if any, have Government taken so far, to recruit depressed classes in these offices ?

(c) Do Government propose to take immediate steps to give the depressed classes, a minority community, their due share of representation in these offices ?

**The Honourable Sir George Schuster** : The information is being collected and will be communicated to the Honourable Member in due course.

## RECRUITMENT OF DEPRESSED CLASSES IN MADRAS POST OFFICES.

929. **\*Rao Bahadur M. C. Rajah** : Will Government be pleased to state :

- (a) how many persons belonging to the depressed classes have been recruited in the Madras General Post Office during the last six months, in the subordinate and in the menial grades ; and
- (b) how many in the Madras Town Sub-Post Offices in the subordinate and in the menial grades ?

**Sir Hubert Sams** : The information is being compiled and will be furnished to the Honourable Member separately.

## RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

930. **\*Rao Bahadur M. C. Rajah** : Will Government be pleased to state :

- (a) if the Inspectors of Post Offices have been instructed to entertain men of the depressed classes as attenders, packers, mail peons, etc. ;

(b) if so, how many have been entertained by them during the last six months ; and

(c) what is the total number of depressed classes candidates on their waiting lists ?

**Sir Hubert Sams :** With your permission, Sir, I propose to reply to questions Nos. 930 and 931 together.

In the new rules issued by me on the 16th April, 1931, for the recruitment of boy peons and inferior servants in all branches of the Posts and Telegraphs Department and for their promotion to superior non-clerical posts, it is laid down that in making recruitment due regard should be paid by the respective appointing officers, among whom are included Inspectors of post offices, to the claims of the various communities residing in the officers' jurisdictions and that the principles to be followed in this connection should be those laid down by the Government of India for the adjustment of communal inequalities in clerical establishments, namely, by the reservation of one-third of permanent vacancies for the purpose.

Depressed classes are covered by those orders.

It is presumed that the appointing officers are carrying out the rules referred to above, which are specific ones. The results under those rules will be revealed in the reports made for the purpose of the annual reports, after March, 1932, the rules having been issued in April, 1931, as already stated.

#### RECRUITMENT OF DEPRESSED CLASSES IN POST OFFICES.

†931. **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state :

(a) if definite instructions have been given to the Inspectors of Post Offices regarding the recruitment of depressed classes as boy messengers, etc.; and

(b) if so, what steps have been taken by them in the matter ?

#### CONFLICTING RULINGS ON THE LAW OF ATTACHMENT.

932. **\*Lala Hari Raj Swarup** (on behalf of Mr. S. G. Jog) :

(a) Are Government aware that different High Courts have given different rulings on the point whether an attachment before judgment ceases as soon as the first application for execution is dismissed ?

(b) Are Government aware that the Allahabad and Calcutta High Courts have taken one view and the Bombay and Madras High Courts a different view ?

(c) Are Government aware that an anomalous position has been created by such conflicting views ?

(d) Do Government propose to take steps to make the law clear by amending the Civil Procedure Code or by adding an explanation to Order XXI, Rule 57 ?

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†For answer to this question, see answer to question No. 930.

**The Honourable Sir James Crerar :** (a) and (b). Yea.

(c) and (d). Government are aware of the conflicting decisions but they do not propose to take any action as the High Courts are competent under section 122 of the Code of Civil Procedure, 1908, to make rules to annul, alter or add to all or any of the rules in the First Schedule to the Code.

#### SIMLA TIME AND STANDARD TIME.

**988. \*Mr. B. Das** (on behalf of Mr. Amar Nath Dutt) : Is it a fact that the local time at Simla is far behind the standard time ? If so, what is the difference between these two ?

**Mr. J. A. Shillidy :** The time locally observed in Simla is standard time. (Laughter.)

#### TREATMENT OF INTERMEDIATE CLASS PASSENGERS AT HARDWAR RAILWAY STATION.

**934. \*Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Is it a fact that Intermediate class passengers are not allowed access to the railway station platform at Hardwar before the arrival of the trains at all but are kept in a fenced area and are only allowed to come on to the platform after the arrival of trains ?

(b) Is such treatment meted out to Intermediate class passengers on any other railway station and on any other railway line ? If not, what is the justification for this treatment on this particular railway station where large numbers of Hindus of all classes of society go for pilgrimage ?

**Mr. A. A. L. Parsons :** (a) and (b). Government have no information as to the actual practice at Hardwar and other Stations, but they understand that the admission of passengers to a station platform before the arrival of a train is regulated according to local conditions.

#### DUTY ON CHINESE TEA.

**935. \*Mr. K. P. Thampan** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Have Government remitted the duty on Chinese tea which is imported into Afghanistan from Bombay ?

(b) Are Government aware that such remission of duty has adversely affected the tea industry in India generally and in the Punjab in particular ?

(c) Have Government considered the desirability of reimposing this duty ?

**The Honourable Sir George Rainy :** (a) A refund of Indian import duties is allowed on all goods imported into India and re-exported to Afghanistan. This concession dates from August, 1923.

(b) No.

(c) No.

#### GRATUITIES PAID TO SENIOR OFFICERS OF THE IMPERIAL BANK OF INDIA.

**936. \*Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) : Are Government aware that large amounts, to the tune of one lakh of

rupees and over, are given away by way of gratuities to the senior officers of the Imperial Bank of India and that these amounts are not shown anywhere in the balance sheet of the Bank ?

**The Honourable Sir George Schuster :** No.

CONFERENCE AT PARIS ON THE SILVER QUESTION.

937. **\*Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla) :

(a) Are Government aware that an unofficial conference of financial experts is to be held on the 17th September, 1931, at Paris under the auspices of the International Chamber of Commerce to discuss the silver problem ?

(b) If answer to part (a) above be in the affirmative and if Government have already sent any representation or views on the question, will they be pleased to place a copy of the same on the table ?

**The Honourable Sir George Schuster :** The attention of the Honourable Member is invited to the reply given by me to Lala Hari Raj Swarup's starred question No. 828.

PAY OF CLERKS IN THE SECRETARIAT AND ATTACHED OFFICES.

938. **\*Mr. B. N. Misra :** (a) Is it a fact that the pay of the First and Second Divisions of the clerical establishment of the Imperial Secretariat is Rs. 175—500 and Rs. 100—350 respectively ?

(b) Is it a fact that the pay of the First Division of Attached Offices is Rs. 120—350 ?

(c) Is it a fact that there is no grade for Second Division clerks in Attached Offices corresponding to the Second Division of the Secretariat ?

(d) Is it a fact that clerks in the First and Second Divisions of the Secretariat and Attached Offices who are recruited on the results of one and the same examination are required to perform almost similar kinds of duties ?

(e) Is it a fact that many clerks of Attached Offices who are qualified for the First and Second Division frequently seek transfer to the Secretariat ?

(f) Is it a fact that such transfers cause dislocation of work in Attached Offices ?

(g) Were any recommendations for removing the differentiation in pay given to the Secretariat and the Attached Offices' staff by reducing the First and Second Division pay of the Secretariat, by raising the First Division pay of the Attached Offices, by introducing a Second Division for Attached Offices or by any other means ever made to Government by any Attached Office, Staff Selection Board or the Public Service Commission ?

(h) If the reply to part (g) is in the affirmative, will Government please place the papers on the table ?

(i) Are Government prepared to take steps for removing the disparity ? If not why not ?

**The Honourable Sir James Crear :** (a) to (c). Yes.

(d) No. Government have consistently held that, generally speaking, the duties of assistants and clerks in the Secretariat are more onerous and a higher standard of work is expected from them than from officials of corresponding status in the attached offices.

(e) Yes.

(f) I am not aware that any serious dislocation results from such transfers.

(g) Yes.

(h) Government are not prepared to lay the papers on the table.

(i) For the reasons indicated in my reply to part (d) above, the reply is in the negative.

**Mr. B. N. Misra :** Will it not be more economical to revise the scales of pay of the Secretariat and attached offices so as to make the difference in pay not so great and invidious as it is now ?

**The Honourable Sir James Crerar :** I am not prepared to admit, Sir, that the distinction is great and invidious.

**Mr. B. N. Misra :** And will it not be desirable to remove the discontent among the persons employed in the attached offices ?

**The Honourable Sir James Crerar :** I do not think that there is any great discontent on this point.

**Mr. B. Das :** Is it not a fact that the subject is under the consideration of the Retrenchment Committee ?

**The Honourable Sir James Crerar :** I understand that that is the case.

**Mr. B. N. Misra :** Was the Public Service Commission consulted in this matter, and is it not the function of the Public Service Commission to advise Government in matters of pay, etc., of the central services ?

**The Honourable Sir James Crerar :** I understand, Sir, that they have been consulted in the matter.

#### CREATION OF AN APPOINTMENT OF CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

939. **\*Mr. B. N. Misra :** (a) Is it a fact that the Stores of the New Delhi Central Public Works Department are now being centralised and that a new post for the Chief Store-Keeper has been created at a very high rate of pay (i.e., Rs. 900 per mensem) ?

(b) Will Government kindly say why the rates of stores are being thus enhanced by creating so highly paid an appointment ? Is it a fact that all the New Delhi construction works are practically completed ?

**Mr. J. A. Shillidy :** (a) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(b) No question of the enhancement of stock rates arises. The reply to the second part is in the affirmative.

#### NON-APPOINTMENT OF AN INDIAN AS CHIEF STORE-KEEPER IN THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

940. **\*Mr. B. N. Misra :** Will Government kindly give reasons why a preference has been given to a European officer by the Central Public

Works Department authorities over a very experienced Indian Store-keeper ?

**Mr. J. A. Shillidy :** The Honourable Member is referred to my reply, to part (a) of his question No. 939.

**FRAUD IN THE CENTRAL PUBLIC WORKS HORTICULTURAL DIVISION, NEW DELHI.**

**941. \*Mr. B. N. Misra :** Is it a fact that long ago a very serious case of fraud of Government money was detected by the Audit in the Central Public Works Horticultural Division, New Delhi, which is under a European officer ? If the reply is in the affirmative, will Government be pleased to state why this fraud case has not been filed in court ?

**Mr. J. A. Shillidy :** The Honourable Member apparently refers to the alleged tampering with muster rolls in the Horticultural Division, New Delhi, which first came to light in July, 1930. If so, the case is as yet under investigation by the police whose report is shortly expected.

**PAUCITY OF MUSLIM CLERKS IN OFFICES OF THE CENTRAL GOVERNMENT.**

**942 \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Manlvi Badi-uz-Zaman) : (a) Has the attention of Government been drawn to a series of articles in the vernacular daily *Inqilab* of Lahore published in the last week of June, 1931, regarding the paucity of Muslims in the clerical staff of the offices of the Central Government ?

(b) Is it a fact that the Muslim clerks holding temporary and officiating appointments in those offices are being turned out owing to their having failed to pass the requisite examinations of the Public Service Commission ?

(c) Are Government prepared to issue a supplementary list of qualified Muslims from amongst those who have failed to obtain the prescribed number of marks, and pending the issue of such list, do Government propose to issue orders for the retention of unqualified Muslims temporarily employed in the offices of the Central Government ?

**The Honourable Sir James Crerar :** (a) No.

(b) Under the orders relating to recruitment for the clerical staff of the Government of India offices at headquarters, permanent vacancies are to be filled by qualified candidates or candidates specially exempted by the Public Service Commission. In pursuance of these orders Departments may be replacing unqualified Muslims by qualified Muslims, but I have no definite information. As regards temporary appointments, the matter is left to the discretion of Departments.

(c) The reply to the first part is in the negative. When qualified Muslims are not available, unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily until qualified Muslims are available.

**Mr. Gaya Prasad Singh :** Are Government aware that there are Hindus also who have failed to pass the Public Service Commission examination, and will similar concessions be granted to them also ?

**The Honourable Sir James Orerar :** I must ask for notice of that question.

**Mr. Gya Prasad Singh :** It is merely a question of fair-play !

#### PAUCITY OF MUSLIMS IN THE ARMY DEPARTMENT.

**943 \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Army Department have issued definite instructions for the filling of certain 3rd Division vacancies in the offices under that Department by Hindus in preference to any other candidates ?

(b) Is it a fact that there has always been a paucity of Muslims in the offices under the Army Department but such orders have never been issued for the recruitment of candidates from that community ?

(c) Will Government please state the reasons for the issue of orders for the recruitment of one particular community to the total exclusion of other communities ?

(d) In view of the paucity of Muslims in the Army Department and the offices subordinate thereto, are Government prepared to issue similar orders for the recruitment of Muslims alone in the Government of India offices ; if not, why not ?

(e) Do Government propose to issue similar orders for every community, if and when occasion arises ? If not, why not ?

**Mr. G. M. Young :** (a) No, Sir. Instructions were received by the Army Department that certain vacancies which were reserved for minority communities should be filled permanently by qualified Hindu candidates, as there was no qualified candidates from the minority communities available at the time. These instructions were accordingly issued to Branches but were shortly afterwards withdrawn.

(b) to (e). Do not arise.

**Mr. Gya Prasad Singh :** Is it not a fact that the Muslims who failed to pass the examination were held to be disqualified ?

**Mr. G. M. Young :** So far as my recollection goes all the Muslim candidates who qualified were appointed, but I do not know whether there were any Muslims who failed to qualify.

#### RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

**944. \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that Muslims are not adequately represented in the ministerial establishment of the Army and the Royal Air Force Headquarters offices ?

(b) Is it a fact that no Muslim candidate succeeded to pass the last qualifying examination of the Public Service Commission and that many of the Muslims holding temporary appointments in those offices have consequently been replaced by non-Muslims ?

(c) Are Government aware that this course of action has led to an enormous reduction of the Muslim element in the offices in question and has resulted in the preponderance of non-Muslims in the service ?

(d) Is it a fact that the standard of pass marks fixed for the last qualifying examination was very much higher than that fixed for similar previous examinations ?

(e) Are Government prepared to consider the advisability of lowering the standard of the pass marks in the case of the Muslim candidates and to declare at least 30 Muslims as successful for the 3rd Division ?

**Mr. G. M. Young :** (a) Out of a total establishment of 733 clerks, the minority communities number 270, of whom 153 are Muslims.

(b) The answer to the first part of this question is in the negative : as regards the second part, I am making inquiries.

(c) No, Sir. The proportion of the various communities has been stated in the answer to part (a).

(d) I am informed by the Public Service Commission that this is not the case.

(e) No, Sir. I am informed that the qualifying standard is already quite low enough.

**Mr. Gaya Prasad Singh :** With regard to part (d), may I know, whether the standard of pass marks is the same for all communities, or only for a particular community ?

**Mr. G. M. Young :** I must ask the Honourable Member to address his question to the department concerned.

#### RECRUITMENT OF MUSLIMS TO THE ARMY AND ROYAL AIR FORCE HEAD-QUARTERS OFFICES.

**945. \*Maulvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Will Government please state the total number of appointments, both permanent and temporary, in the 1st, 2nd and 3rd Divisions, in the Army and Royal Air Force Headquarters offices, as they stood on the 31st December, 1930 and the 31st August, 1931 ?

(b) Will Government please state the number of Muslims holding permanent appointments in each Division in the offices referred to in part (a) on the dates specified therein ?

(c) Will Government please state further the number of temporary appointments held by Muslims in the three Divisions in the offices in question on the dates quoted above ?

(d) Is it a fact that of the permanent vacancies in the 3rd Division in the Army and Royal Air Force Headquarters Offices, approximately forty were intimated to the Public Service Commission as having been reserved for Muslims ?

**Mr. G. M. Young :** (a), (b) and (c). The information is being collected, and will be sent to the Honourable Member as soon as possible.

(d) No, Sir. The correct number of vacancies reserved for minority communities (not for Muslims alone) is 29.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

**946. \*Maulvi Sayyid Murtaza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that in their communiqué regarding the



last competitive examination, the Public Service Commission notified 48 vacancies in the 3rd Division of the Government of India offices of which 15 were stated to have been reserved for Muslims ?

(b) Is it a fact that nearly 100 candidates were declared by the Public Service Commission to have qualified for employment in the 3rd Division of whom only 10 are Muslims ?

(c) Will Government please state why contrary to the notification issued by the Public Service Commission :

(1) the number of qualified candidates was raised from 48 to 100,

(2) the number of Muslims was not proportionately increased, and

(3) fifteen Muslims as notified were not ultimately selected ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) 100 candidates were declared qualified, of whom eight were Muslims.

(c) (1). The number of qualified candidates was not raised. The qualifying standard in this examination was fixed independently of the number of vacancies available.

(2) Does not arise.

(3) Because only eight Muslims reached the qualifying standard.

**Mr. Gaya Prasad Singh :** Do Government realise that the retention of unqualified men of any community in the public service tends to lower the efficiency of the work ?

**The Honourable Sir James Crerar :** Government after considering all the circumstances of the case are satisfied that the action taken was reasonable one.

**Mr. Gaya Prasad Singh :** May I take it that the action taken under the circumstances will apply equally to all communities ?

**The Honourable Sir James Crerar :** They are not of general application.

**Dr. Ziauddin Ahmad :** What is the definition of " qualification " ?

**The Honourable Sir James Crerar :** I think the Honourable Member will find that in the dictionary.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT OF INDIA OFFICES.

947. **\*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that a sufficient number of Muslims did not succeed in the 1926 examination of the Public Service Commission and that to make up communal inequalities some of the failed candidates had consequently to be included in the list of passed individuals ?

(b) Is it a fact that a supplementary list of ten qualified Muslims was issued by the Public Service Commission some months after the declaration of the examination results ?

(c) Is it a fact that a deputation of respectable Muslims waited upon the Home Secretary to the Government of India and the President of the Public Service Commission with the request that on the analogy of the

action taken in the 1926 examination, some more Muslims may be declared as qualified for employment in the 3rd Division ?

(d) If the reply to part (c) above is in the affirmative, will Government please state what action has been taken by them to comply with the request of the deputation ?

**The Honourable Sir James Crerar :** (a) The original list of candidates successful in the 1926 examination, which was a competitive one, was a list of those to whom it was anticipated that vacancies could be offered. It omitted many who were qualified but for whom there were no vacancies. As Departments asked for members of a particular minority community in excess of the number mentioned in the original list, the Commission added to that list the names of a sufficient number of qualified candidates belonging to that community. It is not correct to say that these candidates had failed.

(b) Yes, except that the number was fifteen.

(c) This proposal was made to the Chairman, Public Service Commission but not to the Secretary to the Government of India, Home Department.

(d) The Chairman Public Service Commission explained to the deputation that the analogy did not exist, as the addition made in 1926 was an addition of qualified candidates and the addition suggested in 1931 was of unqualified candidates. The Government of India have arranged that unqualified Muslims should be allowed to continue to hold temporarily permanent vacancies reserved for members of that community until qualified candidates are available.

**Mr. Gaya Prasad Singh :** May I know if the scandal of including failed candidates in the list of successful candidates was perpetrated by the Public Service Commission or the Government of India ?

**The Honourable Sir James Crerar :** As I have pointed out, it is not correct to say that the candidates had failed.

**Mr. Gaya Prasad Singh :** I was referring to part (a) of the question.

**The Honourable Sir James Crerar :** Precisely : I have pointed out there that it is not correct to say that the candidates had failed.

**Mr. Gaya Prasad Singh :** I am sorry.

#### APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.

948. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that the Central Board of Revenue issued an order in 1926 to the Commissioner of Income-Tax, Punjab, that the next appointment of the Assistant Commissioner, if and when it falls vacant, should be given to the senior Muslim Income-Tax Officer ?

(b) If the reply to part (a) is in the affirmative, is it a fact that those orders could not be carried out because the Hindu Superintendent of the Commissioner's office did not bring the papers to the notice of the Commissioner, who was quite new to the job ?

**The Honourable Sir George Schuster :** (a) No.

(b) Does not arise.

### APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX IN THE PUNJAB.

949. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that under paragraph 24 (2) of the Income-Tax Manual the Commissioner of Income-Tax should consult the Local Government before appointing an Assistant Commissioner or an Income-Tax Officer ?

(b) Is it a fact that the above paragraph has never been complied with in the Punjab Province ? If so, why ?

The Honourable Sir George Schuster : (a) The Local Government has to be consulted before the appointment of any person to the substantive post of Assistant Commissioner of Income-tax or Income-tax Officer.

(b) No.

### SUPERSESSION OF CERTAIN CLERKS IN THE INCOME-TAX COMMISSIONER'S OFFICE, PUNJAB.

950. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : Is it a fact that one of the juniormost Hindu assistant clerks, named Hans Raj of the Income-Tax Commissioner's Office, Punjab, has been promoted to the higher grade by the supersession of many senior clerks, of whom five are graduates ? If so, why ?

The Honourable Sir George Schuster : The facts are not exactly as stated and the implications are incorrect. Promotions to the higher grades are made by selection and before the man in question was promoted, careful consideration was given to the merits of all those above him.

### APPOINTMENT OF MUSLIMS TO THE INCOME-TAX DEPARTMENT IN THE PUNJAB.

951. \*Maulvi Sayyid Murtuza Sahib Bahadur (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that there is very poor representation of Muslims in the Punjab in the non-gazetted cadre of the Income-Tax Department ?

(b) Are Government prepared to consider the advisability of giving an adequate representation to the Muslim community by reserving for them a sufficient number of vacancies in all grades of the Income-Tax Department of the Punjab Province, as laid down by the Government of India in their Home Department letter of the 5th February, 1926 ?

The Honourable Sir George Schuster : (a) I lay a statement on the table, from which it will be seen that the Muhammadan community is very substantially represented in the non-gazetted establishment of the Punjab Income-tax Department.

(b) Does not arise.

*Statement showing the communal composition of the non-gazetted staff of the Income-tax Department, Punjab (as on 31st December, 1930).*

	Total No.	Hindus.	Muslims.	Sikhs.	Others.
1. Inspectors of Income-tax	35	20	10	3	2
2. Clerical Posts .. ..	161	95	47	15	4

**ALLEGATIONS OF COMMUNAL BIAS AGAINST A HINDU CLERK IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.**

**952. \*Maulvi Sayyid Murtuza Sahib Bahadur** (on behalf of Maulvi Badi-uz-Zaman) : (a) Is it a fact that since its constitution the Public Service Commission has always had a Hindu clerk to deal with the establishment matters of the ministerial staff of the Government of India Offices ?

(b) Is it a fact that many of the Central Offices have, on various occasions, volunteered to accept, even non-qualified Muslims for temporary vacancies but the Hindu clerk in the Public Service Commission has nominated non-Muslims instead ?

(c) Are Government prepared to take steps to replace this clerk by a non-Hindu ?

**The Honourable Sir James Crerar** : (a) No.

(b) I am not aware of any such cases.

(c) No.

**APPOINTMENT OF SUPERINTENDENT, ARCHÆOLOGICAL SECTION, INDIAN MUSEUM.**

**953. \*Seth Haji Abdoola Haroon** : Is it a fact that the Superintendent, Archæological Section, Indian Museum, is about to retire ? If so, do Government propose to consider the claims of senior officers of the Department who have on previous occasions held charge of the Archæological Section in filling the vacancy ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Yes. In selecting a successor the claims of all officers have been considered.

**RETRENCHMENT IN THE ARCHÆOLOGICAL DEPARTMENT.**

**954. \*Seth Haji Abdoola Haroon** : (a) Have the activities of the Archæological Department in connection with exploration been curtailed to a considerable extent ? If so, will Government please state, what is the justification for retaining the posts of Deputy Director for Exploration, Special Officer for Exploration and an Assistant Superintendent for Exploration ?

(b) Have Government considered the question of retrenching two out of these three posts, *viz.*, Deputy Director for Exploration and Assistant Superintendent for Exploration ; if not, why not ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a) and (b). The question of the curtailment of the activities of the Archæological Department, particularly in regard to excavations, is under the consideration of Government in connection with the recommendations made by the General Purposes Sub-Committee of the Retrenchment Advisory Committee. Already four posts in the Department are vacant and have not been filled.

**Mr. Gaya Prasad Singh** : May I know whether these officers whose retrenchment is recommended are Muslims or non-Muslims ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : I can not answer that without notice.

**APPOINTMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.**

**955. \*Seth Haji Abdoola Haroon :** (a) Will Government please state, whether there exist any orders to the effect that a minimum figure of 60 per cent. of Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they form above 95 per cent. of the whole population ? If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(b) Will Government please lay on the table the figures department-wise showing in detail the total strength, Muslims, non-Muslims prior to these orders and after they had been in force in the North-West Frontier Province ?

**Mr. E. B. Howell :** The Honourable Member is referred to the answer given to question No. 248 asked in this Assembly by Maulvi Muhammad Shafee Daoodi.

**MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

**956. \*Seth Haji Abdoola Haroon :** Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices North-West Frontier Province is 43 per cent. ? If so, what measures are being adopted to raise this percentage to 60 per cent. ?

**The Honourable Sir George Schuster :** With your permission, Sir, I will deal with questions 956 to 960 together. The Honourable Member is referred to the replies given on the 9th September, 1931, to Dr. Zia-uddin Ahmad's starred question No. 90 and to Maulvi Muhammad Shafee Daoodi's starred questions Nos. 249 and 250, on the 11th and 15th September, 1931, respectively.

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†**957. Seth Haji Abdoola Haroon :** (a) Is it a fact that the scheme of reamalgamation of audit and accounts will be operative in the North-West Frontier Province also ?

(b) If so, have any orders been issued to revert, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. of the Muslim representation ? If not, why not ?

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†**958. \*Seth Haji Abdoola Haroon :** Will Government please state what steps have been or will be taken to safeguard the rights of frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North-West Frontier Province ?

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†For answer to this question, see answer to question No. 956.

**SAFEGUARDING OF MUSLIM INTERESTS ON THE AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.**

†959. \***Seth Haji Abdoola Haroon** : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931, regarding reduction of about 24 Peshawari clerks as the result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province since the local Muslim employees in these offices are temporary ?

(c) Is it a fact that :

(i) Muslims form only 43 per cent. of the present total strength of the Accounts Offices at Peshawar ;

(ii) out of it only 20 per cent. belong to that Province ;

(iii) while the share of this community in the supervising staff is about 22 per cent. ; and

(iv) the combined ratio of Muslims and non-Muslims of the Frontier in these offices is about 30 per cent. ?

(d) Is it a fact that the Muslim community constitutes more than 95 per cent. of the population of that province ?

(e) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to state, what specific steps, they propose to take to safeguard the Muslim interests at the time of the proposed retrenchment ?

**RETRENCHMENT IN THE NORTH-WEST FRONTIER PROVINCE ACCOUNTS OFFICES.**

†960. \***Seth Haji Abdoola Haroon** : (a) Has the attention of Government been drawn to an article in the daily *Inqilab*, Lahore, of the 21st July, last, regarding retrenchment in the North-West Frontier Province Accounts Offices ?

(b) Is it a fact that the proportion of Muslims in the Civil Accounts Department in India is barely 6 per cent. and in the Accounts Offices at Peshawar it is only 43 per cent. against the population of over 95 per cent. ?

(c) Have Government considered the desirability of repatriating the persons imported from out of the North-West Frontier Province instead of throwing out of employment junior Muslim employees at the time of the proposed reduction in these offices ?

**SHORT NOTICE QUESTION AND ANSWER.**

**Nawab Major Malik Talib Mehdi Khan** : Will Government be pleased to state the reasons for the recent addition to the Round Table Conference of two gentlemen of the mercantile community, and are Government prepared to set against those nominations the appointment of an equivalent number of representatives of the popular Muslim Party from among the agricultural classes ?

†For answer to this question, see answer to question No. 956.

**The Honourable Sir George Rainy :** As I have explained in answer to previous questions on the subject the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I regret, therefore, that I am not in a position to make any statement on the questions asked by the Honourable Member.

### THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I move :

“ That the Bill further to amend the Indian Bar Councils Act, 1926 (*Amendment of section 2*), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lalchand Navalrai, Mr. A. Hoon, Mr. T. N. Ramakrishna Reddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Sir, this is a highly technical Bill and I am quite sure that a very large number of Members of this House are not really conversant with the antecedent facts in connection with it. I shall, therefore, very briefly recapitulate these facts for the information of Honourable Members. In the first Assembly of 1921, my friend, one of the members of the Allahabad Bar, Munshi Iswar Saran, moved a Resolution to the effect that the Indian Bar should be made self-contained. Honourable Members will remember that this desire on the part of the Indian Bar followed a general feeling in the country that Indians must not, by reason of the fact that they are Indians, be debarred from the position of acquiring the higher status available to the subjects of the British Crown. A strong movement was set on foot that Indians who had distinguished themselves in the field should not be debarred from obtaining the coveted rank of Victoria Cross. For a very long time an opposition was made to Indians obtaining the V. C. on the ground that it was the emblem of the Christian faith and consequently Indians, who were not Christians, could not be given the Cross. But during the War this invidious distinction between British and Indian soldiers was done away with and some of your countrymen and mine have merited and acquired this highly coveted distinction.

**Mr. A. H. A. Todd** (Madras : Nominated Official) : Was it not at the Durbar of 1911 that the Victoria Cross was thrown open to the Indians ?

**Sir Hari Singh Gour :** Yes, I was talking of the period before that. The question about Indians being eligible to obtain the King's Commission was another grievance of the Indian people, and Honourable Members will remember that Lord Curzon, the Viceroy of India, passed a rule that Indians would be given the King's Commission upon their retirement, so that they would not be placed in a position of Command over Europeans during their term of office. But that agitation also succeeded, and we have today a movement on foot that Indians who obtained the King's Commission should obtain it in increasing numbers. Following upon this agitation, the members of the Vakil Bar in this House set up an agitation that the perpetual inferiority of the vakil at the Indian Bar was a disability which should be removed. Honourable Members will remember that, prior to the passing of the Bar Councils Act, a barrister of the Inns of Court in England or a member of the Faculty of Advocates in Scotland or a member of the Irish Bar was entitled to seniority over all vakils and advocates of

whatever standing. That was a grievance which the Members of the Vakil Bar and indeed members of the indigenous Bar rightly felt. Consequently a motion was carried in this House in 1921 that steps should be taken to elevate the members of the Indian Bar to the same position which is enjoyed by members of the English Bar. A strong committee was appointed and that committee submitted its recommendation which is contained in this printed book and in which I wish to draw Honourable Members' attention to three passages. The Bar Committee said that English barristers in India—and by English barristers I mean Indian or English barristers called to the English Bar—enjoyed a status of seniority by the mere fact that they have been called to the English Bar and Indians of ability, though they have reached a position of great eminence, irrespective of their seniority and their merit, are classed in a degree inferior to that of the English barristers. This grievance must be removed, and consequently they recommended the enactment of the Act which afterwards became the Indian Bar Councils Act, grading practitioners according to the date of their enrolment in the High Court. But when the Bill came up before this House, I raised an objection and I said that that position which the Members of the English Bar had been hitherto enjoying at the Bar in India could not by one stroke of the Legislature be destroyed, and the Honourable Sir Alexander Muddiman, who was then the Home Member, acceded to my contention and he agreed to circulate that clause of the Bill dealing with the graduation of legal practitioners in India for eliciting public opinion thereon. Honourable Members will find this recorded in the Assembly debates of the 24th August 1926. I have before me pages 398 and 399 of the Assembly debates from which I have made the statement. Well, Sir, my opposition to that clause, though grudgingly conceded by the Honourable the Home Member, received a chorus of approval both from the Judges as well as from the members of the Bar and indeed from the lay public with the result that a year afterwards, in 1927—I am glad Sir James Crerar is here because he will support me if anybody stands up to oppose me on this motion—he introduced a Bill and he said that the public opinion in the country has been sounded and he wished to give effect to the recommendation of the Bar Committee by grading the Indian practitioners in the following order :

First, Advocate-General ; secondly, King's Counsel ; thirdly, barristers who will count their seniority from the date of their calling ; fourthly, Advocates who count their seniority from the date of their enrolment in the High Court.

Let me give you the *ipissima verba* of the Honourable the Home Member, Sir James Crerar, spoken on the 18th August 1927, page 3094 of the Assembly Debates. This is what he said, introducing this Bill in 1927. He said, " The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee ". The words are perfectly clear. The Bill of 1927 was drawn to give effect to the recommendation of the Indian Bar Committee of 1921. That Committee had recommended the gradation of practitioners in the order I have indicated, and in the Statement of Objects and Reasons appended to the Bill which became law in 1927, it was again reiterated that, following the public opinion and the recommendation of the Indian Bar Committee, that Bill was drawn up. That Bill, as I have said, grades the Indian legal practitioners in the order I have named. You



[Sir Hari Singh Gour.]

have first the Advocate General ; secondly the King's Counsel ; thirdly barristers who rank their seniority from their date of call ; and fourthly, you have Advocates who rank their seniority from their date of enrolment in the High Court. The introduction of King's Counsel in the class of practitioners in this country was introduced for the first time in 1926 ; and it was introduced, as the Honourable Sir James Crerar pointed out in introducing this Bill, to carry out a recommendation of the Bar Committee. If Honourable Members will turn to the specific recommendation of that Committee, they will find it in paragraph 16 (page 11) of that Report. What they say is this :

" We have also evidence—it may or it may not be desirable—to provide for the recognition of distinguished merit at the bar by elevation to the highest grade of practitioners. This is a question which does not properly come within the terms of our inquiry, but if it is desirable, we consider that a more suitable form of recognition such as the grant of rank of King's Counsel can be devised than elevation to a grade which while it may contain the highest average outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades."

To paraphrase this recommendation, Honourable Members will find that what the Indian Bar Committee said was this : they said that this artificial distinction between Barristers and Advocates or Vakils in India is unjustified. You have a very large body of very able practitioners in this country ; and therefore if you are merely to grade all legal practitioners from the date of their call or enrolment, you would not recognise special merit which it is the fundamental idea of all forensic practitioners in all parts of the British Commonwealth that it should be recognised. Therefore they recommended that while the barristers were losing their seniority, their unquestionable and unquestioned seniority, they were given the solatium of being lifted to the degree of King's Counsel, and thus a grade was created in which their special merit and talent would be recognised. That was the principle of the Bar Council Committee. That was the principle which the Honourable the Home Member said he was going to give effect to in introducing the King's Counsel amongst the grade of practitioners in the Act of 1927. That Bill became law. From 1927 to 1931, down to the present time, it was expected that this grade of practitioners called King's Counsel, for which a special position has been given by the Act of 1927, would become a reality. As Honourable Members are aware, in 1927 there was no such class of practitioners as King's Counsel in this country. But the Honourable the Home Member, when he introduced his Bill of 1927, must have had it in his mind that this class of practitioners would be brought into being in this country, because you cannot legislate for a non-existing entity, and consequently I submit it was up to the Government to take steps to bring into existence this special grade of practitioners for which provision had been made in the Act of 1927. They have done nothing of the kind. But if that was all, I would not be here to trouble this House. Enumeration of King's Counsel in the list of legal practitioners in India has created an anomaly which every patriotic Indian and every member of the Indian Bar would righteously resent. It is this : that when we introduced this grade of King's Counsel in the Act of 1927, we were enumerating the legal practitioners in India ; but the known definition of King's Counsel in the Act of 1927 would now lead to the ambiguity and anomaly of permitting King's Counsel from across the seas, foreign King's Counsel

from England and the Dominions and the small colonies like Ceylon and British Guiana, to come to this country and claim seniority over barristers who are old enough to be their grandfathers. That I submit is an anomaly which must be removed. You have only two alternatives before you. If you think that you committed a mistake in introducing the term King's Counsel amongst the grade of existing practitioners in India in 1927 and you are not able to make good your promise, then held out, then delete that term. Amend the Act of 1927. The other alternative is that you must make provision to make that clause relating to King's Counsel a reality. These are the two alternatives which present themselves to the Government, and there is no other alternative. When I introduced my Bill on this subject, Sir Lancelot Graham said that we must sound public opinion. I am quite sure he is one of those people who has great respect for public opinion ; but whether he has respect for public opinion or not we shall see presently. For the present let me give this House the result of the public opinion collected upon this Bill. There are printed in this compilation, from which I have analysed all the opinion, *pro* and *con* ; and Honourable Members will find what a singular unanimity of opinion there is in favour of this Bill.

**Sir Lancelot Graham** (Secretary : Legislative Department) : Did I understand the Honourable Member to say there was singular unanimity in favour of his Bill ?

**Sir Hari Singh Gour** : I did.

**Sir Lancelot Graham** : That is a most singular remark.

**Sir Hari Singh Gour** : Let me give Honourable Members the opinions, and for the benefit of my friend, Sir Lancelot Graham, I will give him the pages of this compilation, and if he further challenges me, I shall read the very statements contained in them. You have first of all the opinion of the Calcutta Bar Association at page 11, of the Calcutta Bar meeting at page 19, of the Incorporated Law Society of Calcutta at page 20, the opinion of the Bengal Chamber of Commerce at page 20, and the opinion of the Indian Chamber of Commerce on the same page.

12 Noon. The opinion of the British Indian Association, pages 14-16 ; the opinion of the Bombay Bar Council, page 35 ; the opinion of the Bombay Advocates' Association, page 28 ; the opinion of the Bihar and Orissa Government and of the High Court, page 21, all in favour ; the opinion of the C. P. Government and Judges, at page 4 : the opinion of the Punjab Government—they say that the majority of 50 per cent. of them are in favour, and reference is made to the Country League, page 12 ; the N.-W. F. Province, page 2 ; Delhi Government and Bar, page 1 ; the opinion of the Bar Association of Ajmer, page 4 ; the opinion of the Administration of Coorg, page 2. You have thus a strong phalanx of opinion in support of this Bill. The Calcutta High Court at page 1 of the compilation is neutral. The learned Judges say that this is entirely a matter for the legal practitioners in this country. The European Association of Calcutta,—and I ask the Honourable Members to listen to what their own Association have said at page 1—are neutral ; they are neither for nor against this Bill. After recounting these opinions can anybody have the hardihood to say that the chorus of approval from the Bench and the Bar, the public bodies and the Governments is not in favour of this Bill ?

[Sir Hari Singh Gour.]

There are only two opinions to which I would like to advert in this connection, and they entirely bear out the contention I wish to make before this House. Honourable Members will find that the Calcutta High Court and the C. P. Government—and their opinions are contained on pages 1 and 4—seem to labour under a misapprehension that this King's Counsel in the Act of 1927 was intended to give English Counsels superiority and seniority over Indian practitioners.....

Mr. C. Brooke Elliott (Madras : European) : No, Sir.....

Sir Hari Singh Gour : That is a misapprehension which occurs in the opinion of the Honourable Judges of the Calcutta High Court. It will be for the Honourable Sir James Crerar, the author of this Bill, to dispel that view. Did he secretly intend to insert a clause in the Act of 1927 to destroy the autonomy of the Indian Bar by inserting therein a clause giving the foreign King's Counsel a position of seniority over indigenous barristers, advocates and vakils? I say, Sir, that could not have been the machiavellian intention, and that cannot be the construction of the clause of 1927. Can you say that when the legal practitioners in India are to be classed in the following order you do not mean to imply that those are the legal practitioners who habitually live and practise in India? That, I submit, is the plain meaning of the clause inserted in 1927. But because that clause has remained in abeyance, an opinion has grown up in this country voiced by certain English barristers and English bodies that this was only intended to give English barristers coming to India a position of seniority. Sir, I know that the dictates of Islam make one who goes to Mecca a Haji, but I have never yet heard of a dictate of the Englishman that no one shall be King's Counsel unless he lives in England, and that is the position of King's Counsel so far as England is concerned. Look at the position of humiliation to which Indian legal practitioners are exposed if you do not accede to the motion I am making before you today. It has been decided in England that a King's Counsel can only be given to a barrister who lives and practises in the English courts including of course the Indian Privy Council, but an English barrister who practises in India, mind you, will never be given English status. If that is the view of the Lord Chancellor, and if that is the view which the Government of India wish humbly to submit to, it raises a vast constitutional issue. Are the barristers in India always to remain as sepoy and never rise to commissioned rank?

Mr. C. Brooke Elliot : Sergeants perhaps.

Sir Hari Singh Gour : That is the position of humiliation to which Indian barristers, Indian advocates and Indian vakils would be reduced if this clause is misinterpreted and misunderstood to apply only to foreign King's Counsel, and the Indian practitioners will not be given the position of King's Counsel in spite of the recommendation of the Indian Bar Committee, in spite of the statement of the Honourable Sir James Crerar that he was giving effect to that recommendation by introducing the Bill of 1927, in spite of the specific provision in the Act and in spite of the fact that the declared policy of the Government of India following the recommendation of the Indian Bar Committee that they would give effect to the recommendations of the Bar Committee. That, Sir, is a position from which there is no escape. I have therefore tabled this

Resolution in the hope that this House will support it on the ground that it is too late now to go back upon the Act of 1927, and anybody who opposes this Resolution would be doing a great harm to the development of the Indian Bar and to the declared policy of the Government of India that it should be an autonomous one. Members of the Bar all over the country are looking forward to this belated reform. I have pointed out the opinions, singularly unanimous, of large bodies of members of the legal profession and of the other non-legal associations and corporations showing that this is a reform which has been long overdue. If you do not give this reform, you certainly will not look the Indian Bar in the face, who will say that, so far as you are concerned, you had intended to enact that clause inserted in the Act of 1927 with the ulterior motive of providing a foothold for all foreign counsels. That, I submit, is a position which would be intolerable. Do not look at the faces of Members, but look within your own conscience, and say whether you can possibly oppose my motion, which is intended to give effect to your own declared policy, to your own declarations in this House, to your own declared decision which culminated in the enactment of 1927. I move, Sir, that the Bill be referred to a Select Committee.

**Mr. C. Brooke Elliott :** Sir, I desire to express my regret to Sir Hari Singh Gour that I was not in my place at the start of this debate owing to the early collapse of questions to-day, and a slight indisposition on my part. I, however, did hear a good deal of what he said, and I may say that I have taken a great deal of time and trouble to try and see all that can be said on this matter.

Sir, I am speaking to-day, proud to be a member of the Indian Bar, and the one thought that is uppermost in my mind is to try and contribute something definitely constructive to the end which we all have in view, namely, that in due time and subject to due preparation, and with sufficient knowledge of facts, there should be in India a superior grade of advocate corresponding to the superior grade of barrister in England commonly known as a King's Counsel. Sir, King's Counsel have the honour to robe themselves similarly to the way in which you are robed ; but when I use the word " silk ", I mean that I am not speaking of the raw material that King's Counsel actually wear, but of the finished forensic human product that they are. In England, Barristers are known as " Silks " if they are King's Counsel. Below them you have the stuff gownsmen, who wear a gown of a different pattern, made of stuff not silk. So when I talk of " Silk " I mean a King's Counsel, and when I talk of stuff gownsmen, I mean the junior barristers in England.

Sir, I think I must make one point at the start. The singular unanimity of which my Honourable and learned friend the Mover speaks by no means singularly unanimous. That very fine lawyer, our Advocate-General and Leader of the Bar in Madras, can hardly be said to be unanimous with the Mover, when he gave this opinion :

" At the present stage of the bar in this country and in view of the fact that even a legal agency has not become a common feature in the several courts in India. I am not in favour of the institution of King's Counsel. At any rate the matter may be deferred till after the proposed constitutional changes in the Government of India and any general reorganisation of the bar that may take place in consequence of such changes." I understand the English language, that does not display a singular unanimity. That is the generally expressed, conveyed through its Leader, opinion in Madras. I respectfully agree with our Advocate-General's

[Mr. C. Brooke Elliott.]

considered opinion. We are not against the making of a somewhat higher degree in the profession, as I shall show you presently, but we must first have a clear background, so that Honourable Members may really understand what the position is. And if I venture to give a brief historical sketch of what "silk" in England is, I trust the House will forgive me because this is a matter of deep and vital import to every lawyer in India. And don't forget that in India the Bar, as in England, is the most highly organised and powerful Trade Union in the land.

Sir, the history of "silk" so far as my researches go is this. Somewhere in Tudor times English sovereigns, who were somewhat masterful, if my reading of history is right, conceived the happy thought of picking out rising barristers and conferring upon them the honour of a silk gown with a patent of precedence and a fee of, I think, £100 sterling per annum, so that that barrister should not appear against the Crown. That is why they were called King's Counsel. The most eminent and one of the earlier examples of silk,—and here every Member who is also a member of Gray's Inn will be associated with me—was that of Bacon. He is the great glory of our Inn. He was a rising and ambitious man and he might perhaps have been troublesome if he had not had silken fetters laid upon him by his sovereign. The silk gown has come down to us from that early form, and to-day in England the profession is organised thus. When you are called to the Bar, you are a member of the outer Bar, or as the expression goes, an "utter" barrister ;—utter is a corruption of the word outer ;—and after a certain period, when you have attained eminence at the Bar in England, you can apply to the Lord Chancellor to be translated from the outer Bar and called within the Bar as a King's Counsel. You have to apply for that distinction to the Lord Chancellor, after you have given due notice to the profession of your intention so to do. It solely depends upon the judgment of the Lord Chancellor whether such an application is granted by His Majesty or not. Once you take a silk gown, you sit where my leader in this House appropriately enough sits, in the front bench instead of sitting in the back rows of the court ; but, once assumed, the silken fetters always remain. There are a number of things which a King's Counsel, by the etiquette of the Bar, which is very strictly observed, may not do. Many a man has taken silk who has been making £3,000, £4,000 or £5,000 at the Bar and yet has failed as a leader and regretted having taken silk : but once a silk, always a silk ; and you cannot be disrobed and return to the fold of the junior Bar. That is a very important point, and we have to consider its applicability to Indian conditions as I shall show you presently.

Well, Sir, the first suggestion that I venture to make to the Honourable and learned Mover, and if I may, to the Government of India, is this ;—let us have fuller information. So I would suggest that an application be made to the Lord Chancellor inviting him to furnish the Government of India with a clear memorandum tracing the historical origin and growth of silk in England. That is the first constructive suggestion I venture to make. Next I would invite the Government to write to the Secretary of the Bar Council in England, and obtain from him a reasonably detailed statement of the policy, rules, and organisation, of the English Bar to-day. Sir, I think most of my learned friends in India, when they see such a statement, will see at once that it is hardly possible to introduce silk as known in England into India because of the totally different conditions,

that obtain. And I would like to give some of my reasons for saying so. In England the whole foundation of the legal profession is this, there is a system of dual agency. No barrister or King's Counsel in England can ever take a fee direct from the lay client; there must always be interposed the solicitor; for the fundamental principle upon which the Bar in England is organised is this, that the barrister must never come in actual direct contact with the lay client. Sir, a simple illustration and a useful one, will make that clear. The system in England is a sort of legal sandwich. You have one piece of bread the lay client, then a bit of meat, the solicitor—he sometimes takes most of the meat—, and on the other side, the barrister. That barrister bread can never directly meet the lay client bread because there is the solicitor meat in between. (Laughter.) Now, Sir, the moment you see that, you will observe the fundamental difference between the organisation of the profession in England and in India, where to-day we are all enrolled and practise as advocates. Should anybody in this House require the services of the learned Mover he can go straight to him as an advocate and arrange directly with him about the fee, and so forth. In Madras, though we have several eminent firms of solicitors, still they are such a comparatively small portion of the Bar that we must regard their intervention as the exception rather than the rule. In the mofussil we have, I think, no solicitors in practice at all, except perhaps at Ootacamund. Calcutta, in this respect, I know, is different from Madras: and so is Bombay. Please remember that I am now speaking chiefly of the Presidency, of which I have first hand knowledge. The moment you compare the English system with the general system in India you find this difference. Every brief in England must come to a K. C. through a solicitor. Therefore it is very easy to make rules as to what the K. C. shall do, because a solicitor only can instruct him. If we have silk in India, except in the rare cases where an Advocate is instructed by a solicitor in one of the three Presidency towns or very occasionally in the mofussil, in such cases, what is the position of a silk going to be? And before we introduce silk into India and seek to give practical effect to it, it is difficult to understand what the practical working of the suggested system for India is going to be. Nobody wants a mere alphabetical addition of K. C. after his name. It would be only artificial silk, which is a very different proposition from real. I am asking for all this information to be laid before the public (who are deeply interested), and the whole profession before we come to any final decision. Whether you take the title K. C. or a better one is a matter to my mind of very little importance. It is not the shadow that we want, but the substance of seniority, and I think that Sir Hari Singh Gour would be well advised to welcome such information as I have mentioned in order that all the members of the profession throughout India, who cannot get access to such information easily, may be fully informed as to what the existing English system is. Before you transplant a thing from England into India, do let us see exactly what is the professional soil that is required. I have spent many hours reading these opinions of various legal bodies throughout India with very great interest and I find that some of the information desired has already been given. I would only ask that it may be given in a more authoritative form. I notice with interest that one civilian judge has made some very interesting suggestions, well worthy of consideration, as to whether it is possible to introduce into India a higher order of barristers somewhat on the lines that obtain in Germany. I merely say

[Mr. C. Brooke Elliott.]

that that is a suggestion worth considering. I think, Sir, I have now shown that until we get that information it is a little premature to proceed with this Bill.

The next point I want to make is this. I want to explode, if I may, one or two ideas which have, I think, rather tended to excite feeling in the minds of some members of the profession. I read in the Objects and Reasons of this Bill these words :

" Four years have since passed, but that assumption has not been realized with the result that under the existing law English and colonial barristers raised to the rank of King's Counsel though, it may be, much junior in seniority and standing to their counterparts in India have become entitled to rank above them, and the latter are penalized by the sole fact of their having practised in India."

Now, Sir, I will ask Sir Hari Singh Gour to give me the name of one single English silk who has come to India to practise. Could you give me such a name ?

An Honourable Member : Mr. Kenrick.

Mr. C. Brooke Elliott : I was going to cite him, but he is Advocate-General and would like our Advocate-General wear a silk gown in any case.

Sir Hari Singh Gour : He would not. The Advocate-General had no recognised statutory status before you gave it to him.

Mr. C. Brooke Elliott : He is the Advocate-General of Bengal and as such would have precedence, so that if that is practically the only case, there is not much harm done. (An Honourable Member : " There may be other cases also.") I have hunted for this information and have asked many people. I may tell you that Mr. Eardley Norton was a personal friend of mine and we discussed this matter often, and his considered opinion was that as conditions are in India he did not wish to see English silk introduced into India. He was told by the Lord Chancellor some years ago—I could not tell you which Lord Chancellor it was, but Mr. Norton told me this himself—that by reason of his eminence at the Indian Bar English silk would be given him, but, under existing conditions, only after he had retired from India. I do not think I am at all unsympathetic to the natural aspirations of the Indian Bar. On the contrary I am most sympathetic in the whole matter : but surely the best way to show one's sympathy as a keen member of the profession is to do what you can to help, not to have something introduced which might prove to be unsuitable.

Sir Hari Singh Gour : My friend is entirely besides the mark. I am introducing nothing. I want to interpret the clause as it exists in the Act of 1927.

Mr. C. Brooke Elliott : By seeking to interpret a clause in that way, surely you are doing a great deal. That is the point I want to make. Surely that is quite to the point and I don't think I have strayed one inch from the point. I am going to tell my learned friend that on one interesting occasion in this House many many years ago, an English silk, Mr. Stephen Q. C. (afterwards Sir James Fitz James Stephen, who tried the famous Maybrick case) said, speaking on the Indian Evidence Bill :

" I am myself a barrister of 18 years' standing, and a Queen's Counsel of four years' standing. I believe that there is no barrister in British India " (No barrister.

mind you) "of whom I should not be entitled to take precedence professionally, if I chose to practise here."

This is the only reference that I have ever been able to find and it is printed in the Appendix to *Ameer Ali and Woodroffe on the Evidence Act*. Mr Stephen, as he then was, an English Q. C. was very careful to say that he could only claim precedence over barristers in India, not over anybody else in the profession. The fact that one K. C. has come to India is hardly an invasion for which we want very prompt legislative action taken. So I venture to ask my learned friend—does he not agree with me that it would be very useful to have the information I have mentioned, and to have the Bill circulated again among the bar in India, and I think my learned friend himself would very much like to have accurate information on these points such as I have indicated.

Then, Sir, I come to the next point. And here again I want definite information as to how silk has been translated from England to the Colonies and the Dominions. Personally I would very much like to know, because I think it would help us if Government could tell us through the channels of information I have indicated—I suppose it would mainly be the Colonial Office—under what conditions and whether by some Order in Council or by statute (local or Imperial) silk was extended to Canada, when Canada was not a Dominion but a Colony. That would be very interesting and helpful because at that time Canada no doubt had an indigenous Bar, or rather a French Bar in full working order. In some parts of Canada I believe, I am not quite sure, there is fusion of the profession. Possibly you may have one firm of lawyers practising in partnership, one of whom is a K. C. It would, I think, be helpful therefore if we knew under what conditions silk was first introduced in Canada. I do not know if my learned friend could give me this information? If he could I should be very interested to hear what the position exactly is.

Then, Sir, next point is this. When Canada became a Dominion, was there any legislation regulating this matter? I should like to know that very much. Next, Sir, in South Africa you have a somewhat similar case, because there the Dutch Bar was in full being at the time that South Africa passed under British control; and I should like to know, if I might, what communications passed between the Colonial Office at home and the Government and the legal profession in South Africa, and under what conditions silk was introduced there. As regards that, I confess I am entirely in the dark and I would like to be enlightened. Now I have tried to sketch, very imperfectly I fear, the history and the present day position of silk in England. I am inviting full information, which only the Government can get, as to the introduction of silk into Canada and South Africa. In Australia, Sir, the question was a different one. Australia had no Bar of its own at any time before colonisation by England. The English barristers went out there in due course and naturally, practising amongst Englishmen, and being members of the English Bar, they took their English traditions with them. It had not to be super-imposed upon any existing system. At the same time I would like to know under what conditions silk was first sanctioned and introduced into Australia, and whether, when Australia became a Commonwealth, there was any legislation dealing with the matter in any way. I am not aware myself what the exact procedure is in either Australia or Canada or South Africa when a barrister wishes to take silk. I think that would be very valuable information as to the conditions under which it is granted in those Dominions, the authority that actually confers it, and the consequences that flow from it



[Mr. C. Brooke Elliott.]

when you divide the profession into K. Cs. and juniors. Sir, there only remains the question of silk in Crown Colonies. Well, sometimes the suggestion is made here that there may be an influx, a large wholesale importation of silks, into India which would be a great hardship on the Indian Bar. Well, Sir, I am only aware of one colonial silk who has come to India. I do not know if my friend can give me the names of anybody else : and one swallow, one Colonial King's Counsel, would hardly swamp the Indian Bar.

Sir Hari Singh Gour : You are one !

Mr. C. Brooke Elliott : I am, as you have so courteously elicited. I do not deny it. (Laughter.) I admit the allegation,—and I thank the genial allegator. (Laughter.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : You will be easily one, having the English silk or Dominion silk, if this Bill is passed.

Mr. C. Brooke Elliott : May I thank my learned friend for his prophetic gifts ? Sir, I accept the compliment in the spirit in which it was meant ; and may I say that, coming up here to the Assembly as a child among his elders, or rather as a baby lion into a den full of Daniels, it is extremely pleasant to meet members of my profession so ready to help me in every way possible ! Now, Sir, may I just draw attention to one peculiar fact that the advent of one Colonial silk should cause any fluttering in our forensic well-stocked dovecotes. Sir, suppose a man came to India and said, " I am a Colonial silk "—and the suggestion I gather is that he might get it while very young. My learned friends apparently do not know that in the Ceylon Bar of some hundreds of Advocates, only 4 silks ever exist at one time, besides the two Law Officers of the Crown. Sir, you cannot take silk in a Colony in a few years—my learned friends are very much mistaken if they think so. But, Sir, if a silk from the Colonies or, I feel sure, from the Dominions, came here and wished to wear silk, he would soon desist from doing so for the very simple reason that one has to be a K. C. in India to sport silk. I fortunately have documentary proof in my possession of that fact. Knowing this interesting question was coming up, I brought with me a copy of the letters patent issued to a Colonial silk in Ceylon, and I take it that letters patent in similar terms are issued to an English K. C. and a Dominion K. C. too. Now, Sir, if I had had made any claim on that account, obviously the Bar would have said, " By what authority doest thou this ? " And obviously I would have produced the actual document, and they would very properly have said at once, " You have no such authority ". No Colonial K. C. therefore would dream of making a claim which could not be substantiated. This is the wording of letters patent for silk in Ceylon (omitting certain formal words) :

" By His Excellency Sir Henry Manning, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof."

I do not think India would claim to be a dependency of Ceylon. The only Dependencies which Ceylon has are a few coral islands about 300 miles south-west of Colombo, and I do not think any K. C. would find much

practice there. I understand the fee, if any, would be 50 or more coconuts. Now come the material words :

“ TO ALL TO WHOM THESE PRESENTS SHALL COME.

GREETING :

WHEREAS His Majesty George the Fifth of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, being well satisfied of the loyalty, integrity, and ability of....., Barrister-at-law, has thought fit to authorise and require of the said Governor to cause Letters Patent to be passed under the Public Seal of the said Island of Ceylon, constituting and appointing him the said.....to be one of His Majesty's Counsel for the said Island of Ceylon :

NOW KNOW YE that We, by virtue of the powers in Us so vested and in pursuance of His Majesty's instructions to Us, do hereby cause these Our Letters Patent to be issued to him the said.....constituting and appointing him the said.....to be one of His Majesty's Counsel for the said Island of Ceylon, to hold and enjoy within the said Island of Ceylon, all and singular the rights, allowances, privileges, and preeminences, to the said appointment belonging or appertaining in as full and ample a manner as any other of His Majesty's Counsel learned in the Law, in any of His Majesty's Colonies doth hold or enjoy, or of right ought to have held or enjoyed the same, and also the liberty of sitting and practising within the Bar of the said Island of Ceylon, as any of His Majesty's Counsel learned in the Law do, ought to, or may practise.”

Obviously, therefore, every Ceylon Advocate knows, that whether he be a King's Counsel, young or old, and comes from the Colonies, he has no rights whatever to be a silk in India. Why, in his own document his privilege is strictly limited as a K. C. in the terms of the document itself. If however a Colonial K. C. from Ceylon goes to England and appears in the Privy Council in a Colonial appeal, he keeps his silk gown and appears as a K. C., merely because the Privy Council is the final court of appeal for Ceylon. Lord Haldane once said in a very illuminating sentence to an advocate in my hearing, when a Privy Council appeal was being argued about Muhammadan law in East Africa something like this :

“ You must remember, we are not English judges sitting here in an English court ; we are instead three learned lawyers of an East African court who are experts in the Muhammadan law, and we sit in that capacity as the final court of appeal for Muhammadan appeals from East Africa.”

The Privy Council is still to-day the final court of appeal of Canada, and other Dominions and Colonies, and to that extent a Colonial silk is a silk in the Privy Council : but if he was an English barrister and was briefed in a county court in England the next day, he would appear in the county court as a junior barrister and wear a stuff gown. This curious dual professional position I admit may seem a little anomalous, but the answer is that the good sense of the profession prevails, and so we see that a Colonial K. C. when in England is only a silk when appearing in the Privy Council but not for any other professional purpose. Sir, when I came to India, it was only *qua* as an ordinary—a very barrister ordinary—that I could claim precedence or any right whatsoever, and I never have made the slightest claim to professional precedence by virtue of this document, anywhere outside the confines of the Island of Ceylon and its coral-island dependencies or the Privy Council. Therefore, Sir, to go back, I would ask Sir Hari Singh Gour whether he does not think that to obtain the information which I have asked for would be of very real importance. I do not want to speak at great length.

**Sir Hari Singh Gour :** I think I may inform the Honourable Member that I am already in possession of all the information, and I had in fact a personal interview with the Lord Chancellor himself.

**Mr. C. Brooke Elliott :** Might I suggest then that that information should be widely circulated ? You say that all that information has not been circulated and it is a little difficult to understand, if my Honourable friend had all that information, how it was that he said in his Statement of Objects and Reasons about Colonial silk penalising the Indian Advocate. How can he support that ?

**Sir Hari Singh Gour :** If my Honourable friend will give way, the answer is simple. If my friend will look to the opinions of the Madras High Court and of the Calcutta High Court, they have misunderstood this clause " King's Counsel " in the Act of 1927 to apply only to English and Colonial silks. This misunderstanding I wish to remove. The Calcutta High Court say that in the Act of 1927 the words " King's Counsel " are understood to mean English and Colonial silks, and now this privilege of the English and Colonial silks is sought to be taken away by my Bill. That, I submit, is the misunderstanding which I wish to remove. The Act of 1927 was not intended to confer any privilege upon either English or Colonial King's Counsel. It was intended to create a local Indian silk and it is with that purpose that the term " King's Counsel " was introduced in the Act of 1927. The Judges have misunderstood it, not knowing the history, not having read Sir James Crerar's speech, and not having read the Statement of Objects and Reasons.

**Mr. C. Brooke Elliott :** I am very much obliged to my Honourable and learned friend for his explanation. I think he had better recirculate the Bill so that their Lordships of Calcutta and Madras may be better informed in future ! What I am suggesting is this—that we want to be as fully prepared for the introduction of silk in India as we possibly can. I am as keen as Sir Hari Singh Gour is in this matter, and that is an absolutely sincere statement. If there is any misconception, I should suggest to Sir Hari Singh Gour to circulate the information in his possession together with the information I have given.

**Sir Hari Singh Gour :** It is there in the Statement of Objects and Reasons.

**Mr. C. Brooke Elliott :** My learned friend will forgive me, but with all his gifts of compression it is impossible to get all that I have asked for in half a page of print.

**Sir Hari Singh Gour :** See the last paragraph.

**Mr. C. Brooke Elliott :** Although like a Rolls-Royce the paragraph referred to has a high ratio of literal compression, I really cannot expect that all that I have asked for is to be found in 17 lines of small print.

I simply want to establish my first point that there is no cast-iron hurry about this important matter. According to professional opinion in Madras on the authority of our Advocate-General, Mr. Alladi Krishnaswami, whose name stands very high in India, I would say Madras opinion is this : we do not think the time is quite ripe yet. I would therefore suggest our procuring further information. Then I come to two other points, on which I should like to hear what my learned friend has to say. They seem to me to be points of substance, and I want definite information about them if it can be procured.

Sir, the new constitution of India will have to deal with immense problems. For the purposes of the legal profession, from what I might call purely interested motives, what will interest us or affect the Bar

most directly is whether there is to be one central High Court for all India and whether the whole of the profession is to be formed into one great Indian Bar. That matter was raised incidentally the other day and of course we could not adequately discuss it on a resolution, and the Honourable Sir James Crerar gave us many reasons proving that it was a subject of infinite complication and implication. But, Sir, does not Sir Hari Singh Gour agree with me that it will make a very great deal of difference if you have one High Court at Delhi, of which I take it we would all be re-enrolled as Advocates ; or is it the intention of the authorities that, in the interests of the Bar, the Provincial Bars should still remain in *status quo* ? That seems to me an enormously important question and very closely allied to the introduction of silk. Is silk to be central silk, or provincial ? If you have a central court sitting at Delhi, with a Lord Chief Justice of India, I take it a great deal will depend as to the nature of the jurisdiction in professional matters that is conferred upon that august tribunal. For my own part I do think that it would be a very fine idea and a very great professional conception that the Indian Bar should be one entity and not divided into provinces—in other words there would be an all-India Bar. I do not want to go into the technical aspects of it, but at the present moment, as my learned friend knows very well, you become a member and enrol in one High Court and you may sometimes appear in other High Courts, subject to certain conditions and to what I may call the comity of the legal profession. A Madras advocate, for instance, may go to Rangoon and appear in one special case. But at the moment the organisation of the profession is such that each Presidency or Province has its own Presidential or Provincial Bar. Now, if you have a Lord Chief Justice of India, and if you concentrate at Delhi the highest judicial authority over India in the hands of a Lord Chief Justice and a Tribunal that like the Lord Chancellor in England is to be entrusted with general jurisdiction over professional matters such as silk, then it seems to me that a very different problem will arise as to the nature of the rank or degree of King's Counsel that you are going to introduce. Personally, therefore if I may say so, following Madras opinion, I would like to see the question of King's Counsel reserved until we know exactly what the future legal constitution of India in such respects is going to be.

**Sir Hari Singh Gour :** But there is the Act of 1927 in the meantime.

**Mr. C. Brooke Elliott :** I am endeavouring to show that though the Act of 1927 has remained on the Statute-book, no harm whatever has been done. No K. C. has come in from outside and in any way penalised any Indian advocate. All I am seeking to say is that in view of this very wide and difficult matter, upon which opinion is not unanimous in the profession, would it not be advisable to get fuller information and see what the future constitution of India judicially is going to be ? Is there to be one central court at Delhi, or the various High Courts of the Presidencies and provinces to retain in the future the substance of their present jurisdiction in matters professional in co-operation with the Bar Councils or not ?

Then, Sir, I come to one further point, and it is this. You will observe that King's Counsel, as the very name itself states, is the grant of a high privilege by His Majesty the King in England, or presumably in his capacity as King-Emperor in India through his Viceroy. Before silk was introduced into Ceylon the proper official machinery had to be created, and His Majesty had first to be asked whether it was his Royal will and

[Mr. C. Brooke Elliott.]

pleasure to grant silk to Ceylon. I should like to know—here again I am in the dark—whether His Majesty has been so approached in relation to a grant of silk in India? Because, with great respect, I would say that a high constitutional authority like my learned friend would at once, I am sure, see that we should not seek to extract from His Majesty the grant of King's Counsel *after* a Bill like this has been passed by us in this Assembly. We should seek consent first. Is not that a very real and practical difficulty? Anyhow it is surely a matter of common courtesy towards His Majesty: and it does seem to me that until the Bar Associations of India have been consulted through the ordinary channels of communication and the Government have ascertained that it is in fact His Majesty's Royal will and pleasure to confer silk on the profession in India, are we not a little premature in this matter in spite of the words in the Act referred to by the Mover. I think that is a real difficulty; and Sir Murray Coutts-Trotter, our late and talented Chief Justice, who was I think President of the Bar Committee that toured India and took evidence before the Act was passed, specially stated somewhere that the time might come later on when the question would certainly arise whether King's Counsel or some other like senior professional degree should be introduced into India. I am giving his opinion from memory, but my Honourable and learned friend will doubtless remember the passage in question. This view is reflected in several of the opinions printed for our information. Sir Murray Coutts-Trotter was thoroughly familiar with the traditions and practice that obtained in England, and he said that the Bar would have very seriously to consider whether the degree of King's Counsel was the most appropriate and the most fit form of degree for senior members of the Bar in India, or whether it could be achieved better by some other means, at some future time. Certainly in Madras you may take it from me that the general feeling is against rushing this matter through in a hurry; and as I said before I would like to know (perhaps my learned friend or some Member of the Government will explain), supposing this Bill went through, and if it was enacted that "King's Counsel means a person so appointed from among the legal practitioners in India", who is to appoint the said King's Counsel? I want to know the meaning of "so appointed". By whom is the appointment to be made? I want that question to be answered.

(The Honourable Member then resumed his seat.)

**Mr. President:** Will the Honourable Member proceed with his remarks?

**Mr. C. Brooke Elliott:** I only wanted to know "by whom", Sir. I do not know whether anybody in India can appoint. Who has the power?

**Sir Hari Singh Gour:** Appointed by the Governor General in the exercise of his delegated prerogative as in the case of the Dominions.

**Mr. C. Brooke Elliott:** I accept that, for the moment. But why was it not said so here? And the next question that arises is this, is the Governor General prepared to do so? Has he actually any such delegated power? Where is there any definite assurance to that effect?

**Sir Hari Singh Gour:** They must have had the assurance in 1927 when it was introduced.

**Mr. President :** Order, order. I do not want these interruptions, the Honourable Member has already been fairly long and these interruptions have the effect of prolonging the Honourable Member's speech.

**Mr. C. Brooke Elliott :** I am sorry, Sir, I put the question. I wish to be as short as possible. When it is said that the Governor General "must" have given that assurance, I can only say that in delicate matters of prerogative I am not going to assume anything rashly. I think that those words really slipped into the Act without all their implications being clearly understood. I am not sure that is not an opinion which is very widely held amongst lawyers in India. Sir, what do we lose by seeking first of all to get a specific assurance that if such a Bill as this eventually went through, the Governor General has power to create silks? Are we satisfied that His Excellency has the power to grant it under what I may call the delegated prerogatives of His Majesty? Personally I doubt it. Surely we ought to get that important point quite clear first. But I want to put it on even higher ground than that. The legal profession has honourable and noble traditions going back a long way. One of these which I value most is its courtesy and its devotion to lawful authority. A man who practises law should serve the law. The very fine word "Sergeant" which I should like perhaps to see introduced in India rather than "King's Counsel", has most delightful professional associations because it means "*Serviens ad Legem*"—one who serves the law. Incidentally Sergeants-at-Law held a higher professional rank than contemporary King's Counsel. No man at our time could become a judge unless he was a Sergeant-at-Law.

I apologise for the length of my remarks. They are only made with the single and sole object of being quite sure that we do not take a premature step, backwards. I shall listen with great interest to what the legal representatives of the Government have to say on these points. My one desire is the ennoblement of our profession and to be quite sure that before silk gowns are actually given, the recipients should know exactly the conditions under which they are going to be given. Are we going to have a long and complicated code of rules brought in, or what is to be the position? Because I know that my Honourable and learned friends at the Indian Bar want the substance of silk, they do not want the shadow, and merely to put the honorific letters K. C. after their names. What they really want is to get the substance. Why I have made these remarks has been because I wish to see such a degree introduced but not at a moment when it is in my humble opinion premature. Above all I have had at the back of my mind in all that I have said to-day the interests of the junior members of the profession. Sir, many of the junior members of the profession in Madras have frequently urged upon me to do what I could in the Bar Council of Madras (of which I have the honour to be a member), to see that the interests of the juniors should be protected and safeguarded. The introduction of silk would help the juniors, and therefore I would be glad to see it introduced in due season. I feel sure that Sir Hari Singh Gour himself has that object also in view. As usual I find myself largely if not entirely in agreement with the Mover, and yet I am going to invite him to accept suggestion that until we have the fuller information, together with that already in his possession, which, if he would show it to me I shall be grateful—the question might be postponed for further consideration and nothing is lost by our waiting a few months more. We do hope that in the course of the next session at Delhi (which I

[Mr. C. Brooke Elliott.]

am afraid I shall not be able to attend, but my Honourable friend no doubt will), the House will have seen at least the outline of the new constitution for India. That is my main point ; I desire earnestly that this great step forward, the introduction of silk to our profession, should coincide with the greater introduction of the new constitution in India. (Applause.)

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran : Non-Muhamadan) : Sir, I rise to support the motion of Sir Hari Singh Gour. I am sure what is there in the mind of my Honourable friend is that the man at the top in India should have the same distinction as the man at the top in England. So far as the Vakil Bar is concerned, it has been conceded many a time that there are men in that profession who are not really inferior to any barrister practising either in England or in India. Now my learned friend Mr. Elliott said that there is a great difference between the King's Counsel and others in the matter of practice. He is wrong when he says that there is no middleman between the topmost man in India and the client. As a matter of practice you will find that in Bihar and Bengal, the topmost man is approached by a client through a junior vakil or a solicitor and it is very seldom that lawyers of standing come into direct contact with the clients. So there is no reason why Sir Hari Singh Gour's Bill should not be taken into consideration.

**Mr. C. Brooke Elliott** : Is there any fixed rule that a senior should not take a brief except through a junior ?

**Pandit Ram Krishna Jha** : There is no rule. But in the High Court at Calcutta the rule is that the Barristers cannot accept a brief except through a solicitor. In any case in Bihar and in Bengal it is very seldom the case that the seniormost man accepts a brief except through a solicitor or a junior vakil. Therefore that does not matter much. When the Act of 1927 has made a provision for a gradation like this, is there anyone here who says that a grade like this cannot be created. Why should we not then give effect to that ? If the successful lawyers of any High Court do deserve this distinction, there is no reason why it should be withheld from them. I submit, therefore, that the motion of Sir Hari Singh Gour should be carried.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhamadan) : Sir, I rise to support the motion made by Sir Hari Singh Gour, and I would like briefly to touch on the points raised by my Honourable friend, Mr. Brooke Elliott. I must frankly confess that I was disappointed at his speech. I expected much better support from him than he has given to the Bill. He has in fact tried to kill it with soft words. He has appeared as a supporter of the motion, but only in theory. In practice his heart went against the motion.

**Mr. C. Brooke Elliott** : In actual practice I wanted to give you my support.

**Mr. Jagan Nath Aggarwal** : I would analyse the various objections that my friend has raised. In doing so, I would try my best to keep this discussion free from technicalities. One is likely to become technical in dealing with this question, because it deals with the constitution of the legal profession, and you cannot escape technicalities.

But I will try my best to keep the discussion to the level where every layman can follow it. Now the chief objection of my learned friend, Mr. Elliott, was, "We want information on the subject". Information, information, information! What is the limit to the amount of information that my learned friend wants? He knows full well what King's Counsel in England are, what King's Counsel in the various Dominions and the Colonies are. What is the objection to having precisely that kind of classification in the Members of the profession here?.....

**Mr. C. Brooke Elliott :** I do not know ; that was the information I asked for ; when we get the information we shall know how to proceed.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : If you do not know, my only submission is that you ought to know.

**Mr. C. Brooke Elliott :** I agree.

**Mr. Jagan Nath Aggarwal :** I am trying to examine this desire and demand for information, whether it is really the desire for genuine information which a person ignorant of the subject has, or whether it is the desire of a person who will not be satisfied in spite of all the information placed at his disposal. I say, here is an Honourable Member who is a K. C. of the Ceylon Bar and who has been practising long in India and also has the honour of belonging to the profession in England ; and he says he is so ignorant of all these things that he wants information and more information at this stage. Let us see what that information is. We find in the Act of 1927, which we have been told that the Honourable Sir James Crerar helped to pass through this House, Act XIII of 1927, one short clause or sentence provided in section 2 (4) that the Advocate General shall have pre-audience before all other advocates, and that K. C.'s shall have pre-audience before all other advocates except the Advocate General. Now we are told there are many dangers if our demand is accepted and K. C.'s are created in this country. But I shall show presently that in 1927 the Act was deliberately passed, after consulting legal opinion and considering the recommendations of a Bar Committee which travelled all over the country ; and by that Act you gave a definite privilege to a class of people known as K. C.'s. If that class does not exist in this country, I should like to know what was the point in getting this Assembly to pass the Bill and obtain the Governor General's assent to a measure in which you allow the privilege of seniority and of pre-audience to these men known as K. C.'s next to the Advocate General. Who is this person known to the law and unknown to the world, this King's Counsel? We know that he does not exist within this country. But he can be imported into this country. He does not exist so far in the country though legally we have been given that privilege ; and all that my learned friend Sir Hari Singh Gour wants is, he says, "Here is a person known as King's Counsel, whom you have put in your Act and who has a certain privilege of pre-audience and seniority ; create him in this land ; let him be an indigenous product". But that is where the danger lies. My friend fears that it is all very well to have this distinction elsewhere but that it is much better to import him from abroad rather than create him in this country. There is the rub.....



**Mr. C. Brooke Elliott :** May I say that I want him to be introduced ; I am in favour of it and not against it ; all I say is let us be as ready as possible to have the other scheme ; I am strongly in favour of it in due course.

**Mr. Jagan Nath Aggarwal :** As usual my friend is very sympathetic ; only he says, let us wait for a time ; let us wait till there is one High Court, one top institution over all courts, a central institution. But what did he do when there was an attempt to bring that institution into existence or to visualise it ? It is all very well to have lip sympathy and when the time comes to go over and vote with the opposite side. We do not want that kind of sympathy.....

**Mr. C. Brooke Elliott :** Not at all ; I am for it.

**Mr. Jagan Nath Aggarwal :** Did you vote for it, for the proposition that the High Courts should be centralised ?

**Mr. C. Brooke Elliott :** I could not on that motion. May I say that I did so because at that stage the Round Table Conference was sitting and all I wanted was to know what they did before we started doing anything.

**Mr. Jagan Nath Aggarwal :** My learned friend is ready for nothing. We are unfortunately at a stage when my learned friend is not ready for the centralisation of the existing High Courts ; he is not ready for the creation of a centralised High Court or for the creation of the class of people for whom the law has provided a certain privilege. The reason is he wants information. That he says is his trouble. The real trouble, I am sorry to have to say it, is that he does not like the idea that this class should be manufactured in this country and should not be imported. If we have given this right of pre-audience to the K. C. and we do not create him in this country, what is the position ? Sir Hari Singh Gour suspected that it would be the K. C. from abroad, from England or the Colonies who would be able to claim that privilege ; my learned friend, Mr. Brooke Elliott, said he would correct one misapprehension that the K. C. from Ceylon at any rate would not be able to invade us. But I am not sure whether the K. C. from other places, from England for example, would not be able to come here and claim pre-audience.

That brings me to another problem that I must place before the Honourable House in order that they may see the danger lurking behind the present situation. If this provision of the law stands, it means that the King's Counsel will have pre-audience. Where is the K. C. ? A person who is a K. C. in England can come to this country and claim pre-audience over every other man in this land, be he an advocate or barrister or a vakil. Now, it is an unfortunate part of the profession to which I have the honour to belong that a distinction based on no rhyme or reason, once it is brought in, becomes very difficult to obliterate. Honourable Members will have read the debates and they will have seen what great trouble it took to try and obliterate the distinction between an advocate and a vakil, i.e., between persons who had gone abroad and got their qualification in England and those who qualified themselves in this land. And if we have made some progress in obliterating that distinction, though we have not absolutely done so yet, it is not

proper to introduce another. The trouble now is that we are in danger of having another distinction foisted upon the profession, the distinction that persons who have had the honour of receiving silk in England will have an unmerited right of pre-audience or seniority in this country. To this my learned friend has great objections. He says, "Oh, yes; we are not fit for it". That is one argument he used—I do not know about the fitness or unfitness of it. I would like to go on with the profession as it is—advocates and nobody else; but when the legislature of set purpose has brought in that distinction, it is not for me to quarrel with it. If my learned friend should have thought that this idea of having King's Counsel is a thoroughly mischievous one in England and that therefore it should not be brought in here because the moment a man was made King's Counsel he had to starve and we do not want people in this land to starve, I could have understood him if he had proposed a repeal of the Act of 1927. If he had done that I should have appreciated his arguments. But the distinction is there already in the statute; and he merely says, "We are not ripe for it here". He said there were great disadvantages and that the time was hardly opportune and that it was in the interests of the juniors that it should not be so....

**Mr. C. Brooke Elliott :** I said it is in the interests of the juniors that it should go through. I am sorry if my learned friend did not hear me aright. I said the juniors want us seniors to give them every help, and yet I am told I am against the juniors!

**Mr. Jagan Nath Aggarwal :** I understood my learned friend to say somehow that in the interests of the juniors this class should not be created.

**Mr. C. Brooke Elliott :** Should be created.

**Mr. Jagan Nath Aggarwal :** If that is so, then where is the objection to this Bill going through?

My Honourable friend then tried another form of attack. He asked, "Who is to create this K. C.?" He asked, "Have you asked the Governor General whether he will do it?" It is one of those funny objections which I do not think was intended seriously. Are not the advisers of the Governor General there to advise him in exercising this privilege of conferring distinctions? It only requires that certain powers should be conferred upon the Governor General and there are members of the Bar among his advisers who will see that the privilege is exercised properly. It is a funny proposition to say that the law gives a certain privilege or exercise of a certain prerogative and that the Governor General in Council or the Governor General would not be inclined to exercise it. It is much too puerile for any serious argument. Therefore, my submission is that all the objections of my friend Mr. Elliott proceeded from a lurking fear in his mind that this person known as the King's Counsel might not be created in this country, that the privilege should be restricted to a few to enjoy the honour, lest that honour should become cheap in this land. Whatever that may be, there is absolutely no reason for not trying to face the issue. The issue then is, is it desirable in the interests of the profession to have in the provisions of law this distinction or not. Now, to this proposition I will just invite the attention of the House for a few minutes. Now, those

[Mr. Jagan Nath Aggarwal.]

who object to the distinction between a barrister and a vakil may feel alarmed at the present distinction, but, I submit there is nothing to be alarmed about in this for the very simple reason that the distinction between an advocate and a vakil was due to the accident of birth or the accident of the place where you received your training. That was not at all right ; that was neither good for the profession nor for the members of the profession. Therefore, it was deemed to be illogical that a person, who was very learned in law, though he had received his education and training in this land, should be junior to a fresher who came from England. That distinction depended on an accident, and it was objected to and the distinction was removed. Now, Sir, what is this distinction that we are anxious to bring in, which the Legislature has brought in, and which we are trying to retain ? This distinction is based on the fact that the person, who has risen to the height of the ladder, has obtained a distinction by merit in the profession, is to be marked by the conferment of an honour by His Majesty the King or his representative the Lord Chancellor or the Minister of Justice. Now, is there any objection to it ? I would submit that the eminence of a lawyer should be measured certainly by something more than the amount of money that he can get every month or every year, and if in the profession he tries to obtain the honour not by virtue of some accidental position, but by sheer merit and integrity, it is certainly high time that the law recognised it. That is precisely what this Bill proposes to do. It creates an honour and a distinction not for reasons which are accidental but for reasons of sheer merit for those who have risen in the profession, to which they are entitled. In this connection I would like to place before the House a few lines from the Bar Committee's recommendations to which my Honourable friend Mr. Elliott made a passing reference. At page 11 of the Bar Committee's Report, it is pointed out :

" We have also evidence that in Allahabad, where such a rule exists, this elevation to the Advocates' roll is a distinction which is highly prized by the profession."

This is also the case I submit in some of the High Courts where advocates are created by the Judges.

Continuing the Report says :

" It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry. But if it is desirable, we consider that a more suitable form of recognition, such as the grant of the rank of King's Counsel, could be devised than elevation to a grade which, while it may contain a higher average of outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners. We do not therefore think that this consideration detracts in any way from the desirability of unifying the grades."

That, I submit, was the recommendation, the tentative proposal put forward by the Bar Committee, but the Bill of 1927 went much further. It definitely accepted the position that a class known as the King's Counsel shall have pre-audience and seniority. If that was the view of the Bar Committee, if that was their recommendation, then I do not see why there should be any objection to creating a King's Counsel in this country. The point is, would the executive have the power to do it or the Lord Chancellor or the Chief Justice of the Supreme Court or some other body should have that power. but there is absolutely no reason

why, because the Chief Justice of the Supreme Court or the Minister of Justice does not exist in this country, this Bill should not go to a Select Committee. It cannot be taken up before January ; it will take months and months before any such class can actually come into existence, and it would depend on the will of the Governor General or the persons who have the power to create such a class. Therefore, for the reason that the creation of such a class was recommended by the Indian Bar Committee, that such a class was visualised in the Act of 1927 and that certain privileges should be conferred on this class, it is eminently necessary that such a class should be created, in this country, and not left to the off chance of persons coming over here from elsewhere and obtaining that privilege in the profession to which, I submit, according to the rules of the profession, they would not be entitled. I do not see that any objection has been put forward to nullify the proposal of my Honourable friend Sir Hari Singh Gour. I therefore think that this Bill should be allowed to go to the Select Committee and that they submit their report in Delhi or elsewhere.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

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#### STATEMENT ON THE FINANCIAL POSITION.

**The Honourable Sir George Schuster** (Finance Member) : Sir, with your permission I will make a short statement on the financial position.

Before I come to the more formal part of what I have to say I should like to express to every Member of this House my sense of appreciation of the great consideration which they have shown to me during the last three days. I can assure all Honourable Members that it has been most irksome and unpleasant for me on my side to have kept them in suspense in this matter. I know that many of them have had their own considerable anxieties, and that they have been constantly pressed by their constituents to make representations to this House ; but in spite of this they have not only shown great personal courtesy to me in refraining from harassing enquiries or criticisms, but they have responded with good-will to my representations to them that it would not be in the public interest to discuss the matter until we were in a position to make a definite statement. I hope that I may read into their attitude not merely an expression of personal good-will, but a feeling of confidence that we on this side have been doing our utmost to work out, in the midst of a position of great complexity, a plan which would really be in the best interests of India.

In any case, whatever the reason, I would like to accord to the House my most grateful thanks.

In consultation with the Secretary of State and His Majesty's Government certain arrangements have been concluded in order to ensure that the currency policy announced by the Secretary of State last

[Sir George Schuster.]

Monday may be carried out successfully and in a manner most conducive to the interests of India. There are two special features in these arrangements which I must mention.

In the first place, I am authorised to state that the undertaking given by His Majesty's Government in June last of support for India and reaffirmed by the Prime Minister last week is not in any way affected by the suspension of the Gold Standard in England, and that we are assured of this support of His Majesty's Government for the carrying out of the policy which has been announced. In view of the fact that all the external obligations of the Government of India are sterling obligations, no form of assurance could be more appropriate to India's needs or of greater value. It is in full and confident reliance on this assurance that the Government of India have felt themselves justified in sponsoring the policy.

In the second place the Government of India have had to take into account the possibility that, in present conditions of uncertainty as to the international position, there might be an inducement to speculators to take advantage of unlimited facilities offered by the Government to acquire sterling exchange, and that this might operate to the detriment of genuine traders and of the public interest. The Government therefore propose to take the following course.

The operation of the Ordinance which was promulgated on September 21, will be terminated, and the Government will take powers to control exchange operations, so that their obligations as currency authority to sell sterling can be limited to requirements for genuine trade purposes, for the fulfilment of obligations incurred prior to September 21, and for reasonable domestic requirements. These powers will be based on an Ordinance and rules issued thereunder, the terms of which are being communicated to the Press to-day.

The Government hope to have the co-operation of all banks and other business organisations, so that this system, for so long as it may be required, may work smoothly in the interests of genuine trade.

All banks will reopen for normal business to-morrow, Friday, September 25. In this connection the Government wish again to repeat the assurance given in their communiqué yesterday, that the internal banking position is thoroughly sound, and, that there is not the slightest reason to apprehend any disturbance with normal trade conditions in India. I might in this connection remind the public, in case there are any who have doubts regarding the note issue, that our holding of silver rupees is about 127 crores against a note issue of 148 crores, or to put it in another way, I may say that our stock of silver rupees is about four times the total population of India, men, women and children (Laughter). If, owing to the unexpected declaration of the three public holidays, there is any tendency on the part of the public to display anxiety or to withdraw funds from the banks, the Imperial Bank will render assistance to meet all legitimate demands, and the Government will stand behind the Imperial Bank in their action. It should be made clear that the responsibility for the closing of the banks for three days rests on the Government and not on the banks themselves. The action was taken

in order to give the Government time to assess the international position as regards exchange, to prevent speculation during the first period of uncertainty, and to enable the Government to make arrangements for securing the future position.

That having been accomplished the way is open for the resumption of normal business with complete confidence.

I must now turn to another very important matter, the Government's plan for dealing with our general budgetary and financial position. It was stated by His Excellency the Viceroy in his speech to the Legislature on September 14, that we should shortly be announcing those plans to you. If it had not been for the intervention of a special crisis in the last three days, that announcement would have been made earlier. His Excellency stated that it was essential in these critical times that India should demonstrate to the world her continued adherence to principles of sound finance. The importance of this has, if anything, been increased by what has happened in the last few days. We must balance our current expenditure by current receipts and live within our income. It will have been apparent to all Honourable Members who have studied the financial returns, that the course of our revenue receipts has been falling below our Budget estimates. We are satisfied that we must restore equilibrium and that it would not be sound practice to wait until the next Budget for doing so. It is therefore necessary to introduce an emergency programme in which the main permanent measures towards the restoration of equilibrium must be by way of retrenchment, but in the interval, until the measures of retrenchment can be fully effective, it will be necessary to have recourse to other measures also to ensure immediate equilibrium. I trust that the House will be satisfied with our programme and will find in our retrenchment proposals all those measures to which they attach importance. We shall endeavour to deal honestly and straightly with the position. I have now to announce that our full proposals will be laid before the House on Monday next. This procedure will provide the opportunity for discussing our retrenchment proposals, about which I have been asked so often during the session, and I trust that when they see our full plan all Honourable Members will co-operate with us in doing what we have tried to do, that is to say, in dealing honestly and straightly with the position, thinking only of the public interest at a time of national emergency.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, with your permission, I would like to ask my Honourable friend one or two questions with a view to enable Honourable Members on this side of the House and the public at large to appreciate the exact implications of the statement that the Honourable Member made just now. I would like to know from him, Sir, whether the Government of India have arranged definite credits in their favour by the British Government on which they propose to operate in meeting their sterling obligations and in meeting the demands for reverse councils.

**The Honourable Sir George Schuster** : I think my statement is sufficiently clear for my Honourable friend. I have told him that we have the assurance of His Majesty's Government that we can count on their assistance. I should have thought that that would have been sufficient in present circumstances.

**Mr. R. K. Shanmukham Chetty :** That does not make the position perfectly clear. What we would like to know, Sir, is when the help of the British Government will come into operation. Why I am asking this question is this. We apprehend that as a result of a great rush for sterling remittances the gold resources of the Government of India might be depleted, and I would therefore like to know definitely from my Honourable friend whether in meeting their sterling obligations and the demands for reverse councils they would actually utilise the gold resources that they have for the present and then resort to the credits of the British Government or whether they propose to call for that aid immediately.

**The Honourable Sir George Schuster :** I fully appreciate the importance of my Honourable friend's point and I can assure him that it has the full attention of the Government.

**Mr. R. K. Shanmukham Chetty :** I would like to have from my Honourable friend another piece of information and to have another assurance. The position of our gold resources to-day is somewhere in the neighbourhood of about 64 crores of rupees, whereas on the 30th August last it stood at 95 crores of rupees, so that we have lost 31 crores of our gold resources during the last one year. I want an assurance from my Honourable friend that they would not allow the gold resources of India to drop below a certain safe limit, and I would like to know from my Honourable friend whether the Government of India have made up their minds what that minimum limit is and whether they propose to stick up to that limit.

**The Honourable Sir George Schuster :** My Honourable friend in giving figures of gold resources has taken actual gold and sterling securities together. As I informed the House the other day, our actual gold stocks now stand at about 32½ million pounds sterling, that is to say, pounds sterling on their previous parity, and actually exceed by 7 million pounds the value of our gold resources a year ago. My Honourable friend has asked me a question to which I think it would be impossible, and I am sure as a business man he will recognise that it must be impossible, for me as responsible for our currency operations to give a definite answer. If I were to tell him that we will allow our reserves to go down to a particular limit, the whole world would know what we have in hand to support exchange. It is quite impossible for me to answer that question now, but I would again assure my Honourable friend that I am fully cognisant of the importance of the points which he has raised and I would ask him to have confidence in the Government to respect public opinion and the national interests in this matter.

**Mr. R. K. Shanmukham Chetty :** I quite realise, Sir, that it would not be possible or admissible for the Government to announce to the public at large to what extent they would allow the gold resources to be depleted, but I want that he should be in a position to give an assurance to this side of the House and to the Indian public that they would not allow the gold resources of India to go below a safe limit, and I would like to have an assurance from him that the Government of India, in meeting their sterling obligations, will have that point in view.

**The Honourable Sir George Schuster :** I can assure my Honourable friend that the Government of India in meeting their sterling obligations will have that point in view.

**Mr. R. K. Shanmukham Chetty :** I understood from my Honourable friend that in withdrawing the Ordinance and in resuming the plan to sell sterling, they propose to ration the sterling requirements to meet genuine trade demands. I would like to know from my Honourable friend what machinery they propose to set up or what rules they propose to make in determining what are the legitimate demands for sterling. I am asking this question because we seriously apprehend that, unless this is looked into properly, it would lead to a good deal of corruption and it would be against the interests of the public at large.

**The Honourable Sir George Schuster :** My Honourable friend will have an opportunity of himself studying the regulations in the course of this evening. I will see, if he desires it, that he has a copy. The regulations are of a fairly simple nature, and I believe that they will operate fairly and will not be open to the objections which my Honourable friend apprehends. I think that any further discussion of that matter had better be deferred until my Honourable friend and this House have had an opportunity of studying the actual regulations which we are issuing.

**Mr. R. K. Shanmukham Chetty :** Only one other question I would like to ask. Am I to understand that there would be no embargo on the export of gold ?

**The Honourable Sir George Schuster :** It is not quite clear what my Honourable friend means. Embargo on the export of gold by private interests ?

**Mr. R. K. Shanmukham Chetty :** Yes.

**The Honourable Sir George Schuster :** There is no provision in the regulations which we have issued till now imposing an embargo on the export of gold.

**Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) :** While I appreciate fully the difficulties of the Honourable the Finance Member in stating the exact figure below which he will not allow the gold resources of this country to be depleted, is my Honourable friend in a position to state that, in view of the fact that these resources have been very considerably reduced, particularly during the last few months, he will not allow any further depletion ? That statement will convey an assurance which nothing else can.

**The Honourable Sir George Schuster :** I think I must ask my Honourable friend to be content with the statement which I have made and the answer which I have given to the Deputy President.

**Mr. Arthur Moore (Bengal : European) :** On behalf of those who sit on this side of the House, I should like to say that we very much appreciate the important statement made by the Finance Member, which in our view is exactly what is required to restore confidence in the country.....



**Mr. President :** May I draw the Honourable Member's attention to the fact that on this occasion I have permitted Honourable Members to ask questions to further elucidate the statement which the Honourable the Finance Member has made. This is not an occasion when any expression of opinion or a speech can be permitted. Does the Honourable Member wish to ask any questions ?

**Mr. Arthur Moore :** No, Sir.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Without embarrassing the Honourable the Finance Member, may I ask him whether he intends to throw this open for debate on the floor of this House on Monday—both the retrenchment proposals and his new taxation proposals and also the statement which he has made on the gold resources and the currency policy ?

**The Honourable Sir George Schuster :** I think my Honourable friend is well aware—and if he will look up the records of the proceedings of this House and his own speeches, he will confirm what I say—that in a general discussion on a Finance Bill it is very easy to make a reference to every possible subject under the sun (Laughter).

**Mr. B. Das :** Do I take it that it is the intention of Government that Monday will be taken up with the discussion of this subject ?

**The Honourable Sir George Schuster :** If my Honourable friend is asking whether it is the intention of Government that Monday should be taken up with the discussion of the announcement which I have just made, I would like to inform him that the Government are anxious to ascertain what are the wishes of the House as regards the facilities for discussing that statement. So far as Government are concerned, they would be ready to offer any facility to arrange for one of the two days remaining this week to be utilised for that discussion. We have not had, Sir, any opportunity of discussing this matter with you, but if Honourable Members opposite or the leaders of parties have any proposals to make, I can assure them that Government on their side will do everything possible to meet them.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : The Honourable Member just now said that this Honourable House would have every opportunity of discussing every subject in the new Finance Bill. From that answer am I to understand that his other measures for effecting an equilibrium in the Budget, will be a Finance Bill and that it will also be introduced this session ?

**The Honourable Sir George Schuster :** My Honourable friend is perfectly correct in his understanding.

**Mr. B. Das :** When does the Honourable Member wish to move that Finance Bill, on Monday ?

**The Honourable Sir George Schuster :** On Monday, yes.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I may point out, Sir, that under the Rules and Standing Orders, there can hardly be a discussion on Monday of a Bill that is introduced on that day.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I want to ask two questions. I do not want

to embarrass the Honourable the Finance Member, and from this side we assure him that we will give him all possible facilities to enable him to keep up the credit of this country. My two questions are :

If the value of sterling went down in the world market, then will the value of the Indian rupee proportionately go down, or will he release the rupee from sterling ?

The second question is. Is he prepared to promulgate an ordinance by means of which the flight of gold from India may be checked ?

**The Honourable Sir George Schuster :** As regards the first part of my Honourable friend's question, it is quite clear that, if the Government maintains its present currency obligations, which is the plan which I have just announced to the House and which was announced also by the Secretary of State on Monday, then of course, if the value of sterling, which is one form by which Government can satisfy its currency obligations, declines in terms of gold, the value of the rupee must also decline in terms of gold ; that is to say, if the pound sterling has been at a discount, as compared with its gold parity value, let us say of  $12\frac{1}{2}$  per cent.—and according to the latest quotations it has been dealt in at a discount somewhat greater than that—but let me assume that it stands at a discount of  $12\frac{1}{2}$  per cent., that means that the rupee is worth 1s. 4d. in gold. The latest quotation that I saw in New York was that the pound sterling stood at 4.15 dollars, the parity being, as my Honourable friend knows, 4.85 $\frac{1}{2}$  dollars. That I think represents a discount of about  $14\frac{1}{2}$  per cent. ; so that the gold value of the rupee, if the rupee is worth 1s. 6d. sterling, would have been reduced to let us say something like 1s. 3 $\frac{1}{2}$ d. This is the position which will exist ; and I would point out to my Honourable friend that, according to all the arguments which have been advanced in the past by the Honourable gentlemen opposite and certain Indian organizations, if those arguments have any force, and if it is in the interest of the country to have a lower gold value for the rupee, then the position in which we are left, by being attached to sterling, is in some ways extremely beneficial to India. You will get what you want, *viz.*, a 1s. 3d. rupee ; we, on the other hand, shall not suffer the disadvantages that we should have to suffer if our currency had depreciated in terms of sterling, in that the rupee equivalent of our sterling obligations would not have been at all increased. I know my Honourable friend is very interested in currency matters, and I would ask him to consider that from his own point of view, that is an extremely advantageous position.

**Dr. Ziauddin Ahmad :** Am I to understand from the answer of the Honourable the Finance Member that he wishes to connect our rupee with the gold standard and not with the paper sterling ?

**The Honourable Sir George Schuster :** I know my Honourable friend is a very able mathematician, but I do not know in what form of sub-division of my answer he managed to discover that implication !

**Dr. Ziauddin Ahmad :** Whatever may be the value of the paper sterling to-day, we do not know whether it will remain at that value. Now if the value of the paper sterling went further, will my Honourable friend allow the value of the rupee to go down also ?

**The Honourable Sir George Schuster :** I suggest, Sir, that my Honourable friend is now entering into argument which could more properly take place on a general discussion of our proposals.

**Mr. H. P. Mody :** Will my Honourable friend state what, in the event of sterling cracking badly, will be the repercussions on commodity prices and the situation generally on account of the fact that the rupee is linked to sterling now ?

**The Honourable Sir George Schuster :** I think my Honourable friend's suggested contingency is one which we need not contemplate, but again I would say to him that some of the doctrines preached in this country seem to have led to the conclusions that the lower the value of the rupee, the happier and more prosperous would the country be (Laughter), and therefore his fears of further falls in the value of sterling and their effects on India, I suggest to him, may be counter-balanced by other advantages.

**Mr. R. K. Shanmukham Chetty :** Are we the only people with a depreciated currency ? Is not the whole of Europe and America (inaudible) a sinner in that respect ?

**The Honourable Sir George Schuster :** I am afraid I did not catch the question.

**Mr. R. K. Shanmukham Chetty :** My Honourable friend suggested that there is a doctrine preached in this country which believes in a depreciated currency. I put it to him that we are not the only people who are sinners in that respect, while the world including the United States of America is welcoming the decision of Great Britain to abandon the gold standard, which means bringing into existence a depreciated currency ?

**The Honourable Sir George Schuster :** I am very glad to take that from my Honourable friend. I never suggested that he or any others were sinners ! Nor did I suggest that they were alone in their opinions.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Will the Honourable Member be pleased to state whether, if the retrenchment question as well as the currency question is going to be discussed on Monday, the papers and materials concerning these questions will be placed in our hands in order to enable us to take part in the discussion ?

**The Honourable Sir George Schuster :** I think, as the Honourable the Leader has pointed out, it must be clear that actually on Monday there cannot be any general discussion, but there certainly will be before the House all information before the general discussion takes place.

**Dr. Ziauddin Ahmad :** I did not get the answer to my second question : " Do the Government contemplate issuing an ordinance stopping the flight of gold from India ? ".

**The Honourable Sir George Schuster :** I shall be very pleased to take a note of my Honourable friend's suggestion.

**Mr. Lalchand Navalrai :** When will that general discussion take place ? Will it be on Monday ?

**The Honourable Sir George Rainy :** My Honourable friend, the Finance Member, has already said that if it was the desire of the House to have an immediate discussion on the announcement my Honourable friend has just made, then, so far as the Government are concerned, we should have no objection to a discussion either to-morrow or the next day. If on the other hand it means a discussion of all the pro-

posals that will be submitted to the House on Monday, 3 P.M. clearly I think the House would desire that some interval should elapse after that before they can embark on a profitable discussion. But I doubt whether at this moment on the floor of the House we can carry the matter much further, and I would echo what my Honourable colleague has said as to our entire willingness to discuss what would be the arrangement most convenient to the House and to all the parties with the leaders of the parties in the first instance.

**Sir Cowasji Jehangir :** Sir, in view of the answers given by the Honourable the Finance Member and the uncertainty of decisions of Government as far as this House is concerned at this moment with regard to the ordinance which he proposes to promulgate to restrict the flight of gold, I suggest that you will allow the House to adjourn for half an hour to consider the implications of the statement just made. I must state that what I have not understood is how this ordinance is going to work and how Government are going to restrict the flight of gold. The ordinance we are told will be in the Press this evening. In the circumstances we are not in a position to judge of the real merits of the statement made by the Finance Member and I desire, therefore, that you will adjourn this House for half an hour to consider the position.

**Mr. President :** Is there a general desire on the non-official Benches, to have half an hour's adjournment, in order to enable them to consider the statement which has been read out by the Finance Member? I should like all those Honourable Members who desire half an hour's adjournment to rise in their seats.

(As most of the non-official Members stood up, the House was adjourned for half an hour.)

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The Assembly re-assembled at Half Past Three of the Clock, Mr. President in the Chair.

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**Mr. R. K. Shanmukham Chetty :** Sir, there is a strong desire on the part of a considerable number of Members on this side of the House that opportunity ought to be given to this House to have a discussion on the statement made by my Honourable friend and that opportunity should be given to-morrow if possible; and if that opportunity is given, it is our intention to table either a Resolution or a motion, in consultation with you, giving expression to our considered views on the statement made by my Honourable friend.

**The Honourable Sir George Rainy :** The only suggestion I would like to make is this, that possibly it might suit the convenience of Members of the House that the discussion should take place on Saturday rather than on Friday because they may not have the papers sufficiently long before the discussion to study. If the general preference is in favour of Saturday, I would ask you, Mr. President, to cancel your direction that the House should meet to-morrow.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions, Non-Muhammadan) : May I ask the Honourable the Leader of the House when the necessary papers are likely to be distributed to Members ?

**The Honourable Sir George Schuster** : May I know what my friend considers to be the necessary papers ?

**Sir Hari Singh Gour** : For example, a copy of the statement, the ordinance and the regulations and other papers which are required for the information of the House.

**The Honourable Sir George Schuster** : I have already distributed such copies as were available. It will be easy to make more copies and they could be made available to-morrow morning certainly, if that would meet my friend's wishes.

**Mr. President** : The alternative before Honourable Members is this. If they wish to discuss this subject to-morrow, it will be put first on the Agenda Paper for to-morrow's meeting, and no other business will be taken up till it is disposed of. If, on the other hand, they desire that the discussion should take place on Saturday, then there will be no meeting to-morrow, but the House will meet on Saturday instead. I want the leaders of parties to consult their following and to let me know later what they desire, whether they wish to sit on Friday or on Saturday. I will then adjourn the House accordingly. In the meantime we will proceed with the discussion on the motion before the House.

**Sir Cowasji Jehangir** : I would respectfully suggest for the consideration of the Government and the Honourable Members that whatever day is fixed for the discussion of this Resolution, we should sit on both the days, Friday and Saturday and work on both days.

**Mr. President** : At this time I am not prepared to agree to a two-days discussion, because I am not yet satisfied whether it would really take two full days. At present what we are concerned with is to ascertain from the leaders after consultation with their followers whether they want this discussion to be put on to-morrow, or whether they would prefer to have it on Saturday.

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#### THE INDIAN BAR COUNCILS (AMENDMENT) BILL--*contd.*

**Mr. Lalchand Navalrai** : I rise to support very strongly the measure that has been put forward by the Honourable Member, Sir Hari Singh Gour. Sir, this Bill attempts to amend the Indian Bar Councils Act, 1926, in so far as it aims at creating King's Counsels in India. I do not think many words are needed in support of this Bill, which aims only at one thing, namely, the amelioration of the Indian Bar. What is asked for is to remove the invidious distinction between the members of the English Bar getting silk and the members of the Indian Bar not getting it. The objects and reasons of the Bill are fully given and they give us the history how this Bill has come into this House. The whole Bar of India should be thankful to Sir Hari Singh Gour for having taken so much interest in this matter. He has even seen the Chancellor in England for it. Sir, when his attempt is only to see that the distinction be removed, I do not think that this House should go against the Bill especially when it is being

asked that it should be sent to a Select Committee. I submit that on the contrary there ought to be sympathy for ameliorating the condition of the Indian Bar. The lawyers all over India and all over the world have been useful and are useful to their country and to the people, and I think in a measure like this every one in this House should support it. Sir, there are two reasons which actuated me to lend my strong support to this Bill and they are these. The first is that the attempt is only at removing the discrimination which, as you all know, is an invidious distinction, between Europeans and Indians. Such distinctions have been disturbing the country and I think those days are gone when such distinctions were tolerated and when Europeans were enjoying more privileges and more rights than the Indians. The time is now come when the Indians feel that they should have equal rights, and this Bill aims at equal treatment being given to the members of the Bar in England and in India.

The second reason to be considered is with regard to the recognition of the merit of the Indian Bar. When I heard the discussion to-day, I had an impression that some Members in this House were under the impression that every junior and every senior member of the Bar or many of them will get silk. But that is not so. It will go to only those who deserve it and such will be very few and rare as they are in England. Therefore there is absolutely no reason why this Bill should not be passed.

On this point I must say that the opinions that are given in these papers clearly show that many Judges and many institutions which have been consulted are in agreement on this Bill. I will not take up the time of the House in referring to many of these opinions; but I feel that I must refer to the opinions which have come from my Presidency--Bombay and its sub-province, Sind. Referring to paper III, I find on page 28, the opinion of the Bombay Government. The Bombay Government have attached several opinions of Judges and of other institutions and have sent a covering letter which I will just now read in which they give no reasons but simply say as follows :

"I am directed to forward copies of the papers noted below and to state that the Governor in Council agrees with the opinion expressed by the Honourable the Chief Justice, High Court, Bombay, and in particular with the first part of that opinion that the Bill further to amend the Indian Bar Councils Act, 1926, is premature."

On this question of the Bill being premature, the Bombay Government advances no reason. But to-day we heard certain reasons which came from Mr. Elliott on this point. I will refer later to certain points mentioned by Mr. Elliott; at present I am content to say that the Bombay Government itself has given no reasons for calling it premature; but the papers that are attached to it show that almost all who have given their opinions agree that this Bill should be passed. I read the opinion of the Advocates Association of Western India. They say :

"I am directed by the Council of my Association to state that it has considered the Bill further to amend the Indian Bar Councils Act, 1926, a copy of which was forwarded by you,..... and that it is in entire agreement with the objects and reasons of the said Bill."

Proceeding further I find again that the Bombay Advocates Association says :

"My Association approves of the aim and object of the Bill....."

**Mr. C. Brooke Elliott :** May I point out that they go further on to say, " My Council is therefore of opinion that the Bill as drafted is defective ", and I was basing my argument on the opinion expressed in the two paragraphs there ?

**Mr. Lalchand Navalrai :** The Honourable Member should not be impatient ; I shall reply to all his arguments.

**Mr. President :** Is the Honourable Member going to keep on reading from these papers ?

**Mr. Lalchand Navalrai :** No, Sir. I shall read only a few lines. The Honourable Member has signified his attitude to me during the recess and many of my remarks would now be not made. I shall read only a few words of the next opinion :

" My Association approves of the aim and object of the Bill to establish an order of King's Counsel in India. Although the Bill in question does not aim at the creation of such an order, we propose that steps be taken to establish it and that the Bill should be passed."

I cannot forget the opinions of my own sub-province, Sind. The Judicial Commissioner's Court has considered this Bill and what they say is this :

" I have the honour to forward herewith copies of the opinions of the District Judges of Hyderabad, Sukkur and Larkana and to state that the Judges of this Court approve of the Bill."

This is what one of the Judges says :

" There is doubtless some force in the contention that the classification for the purpose of seniority was introduced in Act XIII of 1927 on the assumption that some King's Counsel would be created in India from the members of the Indian Bar. This assumption has not yet materialised and the term King's Counsel has for all practical purposes come to mean only those who have taken Silk overseas. Regarded in this light the members of the Indian Bar naturally resent the intrusion of King's Counsel from Great Britain, the Dominions and the Colonies *vis-a-vis* whom they are placed in a position of permanent inferiority."

This is what my learned friend, Sir Hari Singh Gour, has emphasised. He further says that certain hopes were held out and certain assumptions were made that, after the Bill of 1927 became law, the word King's Counsel would be defined. The Act itself, as said in the Statement of Objects and Reasons of this Bill, defines three classes of the legal practitioners, the Advocate General, the King's Counsel, barristers ranking their seniority from the date of call, and advocates ranking from the date of their admission. Now, what is wanted here is that the King's Counsel should include both Indians and English. The fact, however, is that according to the law as it now stands only those that are overseas barristers can get silk, whereas India should remain as before. I am only asking that this invidious distinction should be removed and it is really necessary that those who are responsible for making that assumption and for creating those hopes must now come forward and fulfil those hopes, for I have seen that the learned Dr. Gour has repeated his statement more than once that the Home Member had at that time shown an attitude that Indians also will get silk as King's Counsel. Any way my submission is that the members of the Indian Bar should be given that distinction. In every walk of life if a man has shown himself to be competent and eminent, he is rewarded. Why should not that be the case here ? I think it is very necessary that this Bill should be sent to Select Committee for consideration.

As I said, I will not take up much of the time of the House ; but I will refer briefly to what Mr. Elliott said. In his eloquent and able speech he dealt very fully with the history of the case and spoke about some difficulties in practice in England. But I must confess that when he began his speech, my feeling was that he was holding a special brief against this Bill ; but I think he was misunderstood even with regard to the attitude of the juniors in Madras. I think the main points he made were only two. One was that there will be a difficulty with regard to the silk being given in India as there is no intermediary between a barrister and a client, and he gave an example of a sandwich. I might point out in that connection that in Bombay and other High Courts there are solicitors who, according to law, have to secure briefs for the barristers. Therefore, it is not correct to say that there is no intermediary between barristers and clients, and that the practice here differs from that existing in England. I may tell the House that if this Bill is passed, that difficulty is not insurmountable, and it can be removed easily. Every High Court can by regulations insist upon every barrister appearing before them through an intermediary. In mofussil towns there is no practice of solicitors, but if this Bill is passed and it is made to apply to all the legal practitioners wherever they are found to be eminent, then that system, if it is so salutary in England, can be introduced here with great advantage.

Sir, I was reading the opinions on this measure, and there is only one which I would like to quote, and that is the opinion of an advocate of the Bombay High Court practising in Sind, who is also a public prosecutor. He is an M.A., LL.B., and Barrister-at-law—Mr. Kishan Chand. His opinion was invited and he has stated that Sind will not be profited by this Bill being passed. His exact words are :

“ In Sind there are no Vakil-Advocates, and there cannot be any until Sind has a High Court which can enrol advocates. It is not clear whether Dominion Silk would be open even to Vakils or Pleaders who are not Advocates.”

Referring to the Bill itself, I think the misunderstanding that arose in his mind was on account of his reading a certain portion of the Statement of Objects and Reasons. In that Statement of Objects and Reasons, it is said :

“ The only course then left for giving effect to the Statute was either to delete the clause referring to King's Counsel or to institute a Dominion Silk in India open to all Advocates, whether Barristers or Vakils. The deletion of the clause would not be in accordance with the intention of the Bar Councils Committee, not indeed with the principle recognised in the Bar Councils Act.”

But I think that rendering is not correct, because the Bill itself refers to all the legal practitioners, and I hope this misunderstanding will be removed now, at least from the mind of the person who has given this opinion. The words in the Bill are :

“ The following new clause shall be inserted, namely :

“(a) “ King's Counsel ” means a person so appointed from among the legal practitioners in India ’.”

Nothing can be clearer and more comprehensive than this.

Then my friend, Mr. Elliott, said that this Bill is premature. I think if he had said that yesterday with reference to the Press Bill when it was brought here, he would certainly have received the congratulations of the House. He could have said that the Round Table Conference was just sitting to hammer out a constitution for India ; there is already a



[Mr. Lalchand Navalrai.]

pact between Mahatma Gandhi and Lord Irwin, and therefore the Press Bill should not be brought before this House. If he had given expression to such sentiments, he would have earned the gratitude of all Members on this side of the House. I think that is a complete reply to his argument that it is too premature to pass the present Bill. If you are to wait until the new constitution comes, close all the business of the House, and wait till the new constitution comes. Why should you pass only certain Bills and keep certain others until the new constitution comes, particularly a Bill of the nature which is now under consideration?

I must however give credit to my Honourable friend opposite for having opened his mind to me during the short recess. In the observations which he made this morning, there were some things which I and the House too, I think, had misunderstood, but when I talked to him during the recess, I was glad to find that he was entirely in favour of this measure. He has a desire to see that silk is given in India too. His various other arguments which he brought forward were more by way of details which can be considered in the Select Committee. His difference with us is only this, that he thinks that such a high degree of appreciation or distinction to be given to members of the Bar should come only from His Majesty the King direct by a charter. That is also not a difficult matter....

**Mr. C. Brooke Elliott :** As His Majesty did, Sir, in Canada, I have since been told, by statute.

**Mr. Lalchand Navalrai :** If this Bill is passed, I ask what objection will there be to move His Majesty the King to give a charter, or what objection will there be if that distinction or privilege is conferred on practitioners by the Indian Legislature with the consent of H. E. the Viceroy, who is the representative of His Majesty the King Emperor?

Then, Sir, I was very sorry that all this criticism should have come from Mr. Elliott. He is a K. C. of Ceylon, and as stated in an opinion in the papers practising barristers in the Dominions and even in the small Crown Colony like Ceylon take the silk.

**Mr. C. Brooke Elliott :** May I give a bit of information, Sir. In Ceylon the duality of the profession exists between barristers and solicitors to a great extent. When silk was extended to Ceylon, it was on the distinct understanding, as we were informed by the Government, that the duality of the profession continued in that way, and if that ceased, I think probably that silk would be or might be withdrawn from Ceylon.

**Mr. Lalchand Navalrai :** I think the Honourable Member is too nervous about this. If this Bill is passed, there will be no difficulty in having that practice. But why is the Honourable Member going to object to the Bill now? He must assist us in getting this Bill passed, and these details will be taken care of.

My point is, if Ceylon has got it, why should not India have the privilege? What is asked in this Bill is simply a Dominion silk. I would therefore advise those Members on the opposite Benches not to be alarmed, no harm will ensue if this Bill is passed. This is a matter which concerns only the class of lawyers or the officers of the court as they are called. To object to this most salutary measure would simply mean an attempt

to frustrate the labours of my friend who has taken so much trouble over this Bill. With these words I strongly support the motion.

**Sir Lancelot Graham :** Sir, I find myself in a somewhat difficult position owing to the vastly interesting statement which was interpolated in this debate by the Honourable the Finance Member. The result is that, I must confess, my memory was somewhat distracted, and I am not quite sure that I shall do my friend Sir Hari Singh Gour justice. I trust therefore that if I appear to be doing him any injustice he will interrupt me freely.

4 P.M.

The first charge of his which I would like to deal with is the charge apparently of complicity levelled against my Honourable friend Sir James Crerar. I understand him to say that, owing to something that the Honourable Sir James Crerar said on the 18th August, 1927, the Government are bound to vote for this Bill. Am I correct ?

**Sir Hari Singh Gour :** What I said, Sir, was never understood by my Honourable friend Sir Lancelot Graham, and therefore I excuse him. (Laughter.) I gave the words of the Honourable Sir James Crerar in 1927 when introducing the Bill amending the Bar Councils Act. Then I said, following the statement that he had made, that he would stand by me if any opposition was offered.

**Sir Lancelot Graham :** I fail to see the difference between my Honourable friend's explanation and what I have just said. I am very much obliged to my Honourable and learned friend for giving me the details before he made the charge. I was therefore able to get the books. The Honourable Sir James Crerar on the 18th August, 1927, in bringing forward a Bill to amend the Bar Councils Act, said :

"The purpose of the Bill which I now ask the House to take into consideration is to give effect substantially to the recommendations of the Bar Committee."

I was careful to ask my Honourable and learned friend Sir Hari Singh Gour, what was the precise recommendation of the Bar Committee with which we were concerned. He said, "The recommendations in paragraph 16 of the Bar Committee's Report". I must ask the House to follow me with great care because I am going into some details. Sir, I have in my hands a copy of the Statement of Objects and Reasons of the Bill which was originally introduced by Sir Alexander Muddiman, and its subsequent stages were taken by the Honourable Sir James Crerar in August 1927. In the Statement of Objects and Reasons attached to that Bill I find that the paragraphs of the Indian Bar Committee's Report referred to are paragraphs 18 and 21, not paragraph 16.

**Sir Hari Singh Gour :** That was already in the original Bill if you see the proviso.

**Sir Lancelot Graham :** Paragraphs 18 and 21 contain the recommendations. That is what the Honourable Sir James Crerar was talking about when he said that the Bill was a Bill to give effect to certain recommendations. The so-called recommendations in paragraph 16 which are not covered by this Bill are not recommendations at all. What the Bar Committee said in paragraph 16 was :

"It may or it may not be desirable to provide for the recognition of distinguished merit at the Bar by elevation to a higher grade of practitioners. This is a question which does not properly come within the terms of our inquiry."

[Sir Lancelot Graham.]

How my Honourable and learned friend can talk about the recommendations of the Bar Committee being embodied in that Bill on those facts I positively cannot understand. So, I would say that my Honourable friend Sir James Crerar is by no means pledged to support the present Bill.

I should like to ask my Honourable friend Sir Hari Singh Gour one question. I was honestly puzzled about what he said. I did not like to interrupt him. Did I understand him to say that the provisions with regard to King's Counsel did not appear in the earlier Bill?

**Sir Hari Singh Gour :** They were in the original Bill, and on my motion that particular clause was withdrawn by the late Sir Alexander Muddiman. When that original Bill was in the Select Committee, the whole matter was threshed out and this clause was inserted there.

**Sir Lancelot Graham :** That is quite right. I am very glad, but as I say, the question really was not before the House on the amendment Bill in 1927.

Passing on from that point, and having exonerated my Honourable friend Sir James Crerar if he should have the courage to vote against this motion (Laughter), I am going to ask my Honourable and learned friend as a lawyer of supreme distinction to give me an intelligible definition of the words "singular unanimity". That is the phrase he used very recently and he should be able to remember it, and I should like to know what he meant by it. I am waiting for a reply.

**Sir Hari Singh Gour :** Did not my Honourable friend hear me giving the details of the various High Courts and Bar Associations and public bodies, Europeans and Indians, who have supported my Bill? These are the public bodies that count, and whose opinions are generally solicited by the Government and have been solicited in this case.

**Mr. President :** May I know how long these cross questions will go on?

**Sir Lancelot Graham :** I was very anxious not to do the Honourable Member an injustice, and that was why. . . .

**Mr. President :** Every two minutes the Honourable Member wants some explanation or other. At that rate I do not know how long it will go on.

**Sir Lancelot Graham :** I do not wish to delay the House, but I was myself so surprised at the time that I was unable to avoid an exclamation of surprise when I heard the words "singular unanimity" from my Honourable friend, and at what he said now I am still equally surprised. I am not arguing that there is no opinion in favour of the Bill, I may say that there is a certain amount of opinion in favour of the Bill, very largely from persons who have failed to understand the object of this Bill. But I do say that there is a great weight of well-informed opinion which is solidly against the Bill. I do not propose to read long extracts. I trust I shall not fall into that same happy practice which was confessed by my Honourable and learned friend Mr. Lalchand Navalrai that when you are dealing with a Bill that has been circulated you will only read the opinions on your side. (Laughter.) Sir, I do observe that the High Courts of Madras, Bombay and Bengal—a not altogether insignificant body of opinion—are against Sir Hari Singh Gour's Bill on the very simple ground

that the Bill is entirely premature. I am not here to attack the profession of lawyers in Bombay or in any other part of India. I have the greatest admiration for Sir Hari Singh Gour and other members of the legal profession, but that is entirely irrelevant, and the speakers who have suggested that the object of this Bill is to produce a class of practitioners called King's Counsel in India are entirely mistaken. Sir Hari Singh Gour is not so ambitious as that ; he claims to be removing what he calls an anomaly, but he is doing nothing. He is not the King, though he is the king of lawyers. He is not the King and he cannot create King's Counsel in India. I might be permitted to refer to some opinions besides the opinions of the High Courts. There is a certain body called the Bar Association, Calcutta, and I imagine, a body of considerable reputation and weight. They have obviously given very grave attention to this Bill, and I think my Honourable friend claimed support from a passage which occurs at page 11,—I think he quoted page 11. On that page I find they gave what I might call a conditional support. They said :

“ My Association is prepared to support an amendment of the Act providing for precedence of local K. C.'s only if the conditions detailed below are jointly and severally fulfilled, but not otherwise.”

I do not propose to take Honourable Members in detail into those conditions, but they are conditions which cannot be “ jointly and severally ” fulfilled. That Association concludes by saying :

“ I would repeat that my Association would support the amendment only on each of above conditions being fulfilled but would otherwise oppose it and desire the Bill to be dropped.”

There is one other passage, again from Calcutta. It is on page 19 :

“ At a meeting of the Calcutta Bar held on the 22nd May, 1931, it was resolved that the Calcutta Bar regard Sir Hari Singh Gour's Bill for the amendment of the Bar Councils Act of 1927 for the creation of Dominion King's Counsel in India as unnecessary and uncalled for, amongst others for the following reasons.”

Then six reasons have been given and I do not propose to weary the House by reading them. On the point of collection of opinions, I do not say that we must be bound actually to weigh the opinions and say this side weighs more than that and consequently the House must give its vote to the more weighty opinions. That is not the purpose of circulation. We are not the slaves of the opinions which we solicit, but we do examine them carefully and try to make the best use of them.

Now, to come to what I might call the merits and demerits of the Bill. Here again I find invaluable support from the Honourable the Mover. He said that you cannot legislate for a non-existing entity. Now, Sir, the creation of King's Counsel from amongst the Indian practitioners in India, whether we like it or deplore it, is a non-existing entity and therefore my friend stands condemned out of his own mouth. What he is proposing to do is, as I had occasion to say on an earlier occasion, to take away a privilege from an existing class of practitioners, King's Counsel, and to vest that privilege in a non-existing class of practitioners who are persons so appointed from among the legal practitioners of India. It is freely recognised that the appointment of King's Counsel must either proceed from His Majesty himself or from the Governor General as a result of a delegation to be made in favour of the Governor General. That delegation, Sir, has not yet been made. The great mass of speakers, so far as I can ascertain, this morning were anxious to put before the House the merits of the profession which I have never denied. As to the argument that the merits

[Sir Lancelot Graham.]

of the profession should be recognised by the granting of the rank of King's Counsel, as I have said, the Bill cannot take you a single step towards the creation of King's Counsel in India and until there is the machinery for providing King's Counsel and until there is actually the creation of King's Counsel in India, there is no point at all in providing for pre-audience. The Bill has been condemned generally by many persons, whose opinion I respect, as premature, and I cannot understand how my friend Sir Hari Singh Gour or Dr. Jha or Mr. Aggarwal really think that they are doing any thing towards producing King's Counsel by supporting this Bill. Far from doing that, I think there is a grave risk of their delaying the introduction of King's Counsel in India by supporting this Bill, and my reason for saying that is that it appears to me that the Mover of the Bill has gone out of his way almost to cast a slur upon King's Counsel. King's Counsel now have a certain right of pre-audience. That is to be washed out. No King's Counsel coming from England, however eminent, would be recognised, and the King's Counsel in India is to have pre-audience over him. I do not think, Sir, that is the right way to get recognition of the rank of King's Counsel for Indians practising in India. You are merely offending the powers that be. I have always understood that that is a very dangerous thing to do. In conclusion, I would say quite simply that my Honourable friend's Bill merely consists of that ancient manœuvre of putting the cart before the horse. It is therefore quite impossible for us to accept the principle of the Bill and to agree in Select Committee to try to get the horse in front of the cart, because we shall not be able to do it. I must therefore oppose the motion for Select Committee.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : If at this late hour I rise to speak, it is not to take up much of the time of the House but to give my whole-hearted support to the principles of the Bill on behalf of the members of the legal profession in Bengal. It is to be regretted that opinions have been collected mostly from individuals who care very little either for the dignity or prestige of the profession. To give pre-audience to King's Counsel who are generally given silk on the recommendation of the Lord Chancellor in England and to deny to members of the honourable profession in India the distinction of silk, is to my mind a grave injustice and lacuna in the statute. If the other Dominions can have silk I do not see why we in India should be deprived of the privilege. There may be some defects here and there in the Bill which my Honourable friend has brought forward, but they can be remedied in the Select Committee. I do not see how the Government can say that they do not accept the principles of the Bill. In fact, I see that many of the Judges whose opinions have been collected are in favour of the principles of the Bill. I support the motion for Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I am not interested in this Bill except in my capacity as a Member of this House and as one who has to vote the one way or the other. What I am really anxious about is that there must be able lawyers, good lawyers—not fleecing lawyers.

**Mr. Amar Nath Dutt** : Is not my friend casting a slur on the profession by speaking of fleecing lawyers ?

**Mr. K. P. Thampan :** I don't care for my friend's susceptibilities. We must also have able judges who will administer justice impartially without any distinction of caste or creed or race and at minimum cost. So long as that is done, as a layman, I am more than satisfied. I don't care if the lawyers are called vakils, advocates or King's Counsels. There is also another point about which I am equally anxious and it is this. No one of my countrymen, to whatever profession they may belong, should be debarred from rising to the highest rung of the ladder of his profession and there ought not to be any distinction between His Majesty's subjects in India and His Majesty's subjects in the Dominions or for the matter of that even in England. On that point, I hold very strong opinions. So far as the legal profession is concerned, this country has produced many eminent men. So far as my own province with which I am more acquainted is concerned, there were the late Sir V. Bhashyam Iyengar, Sir Subrahmanya Aiyar, Mr. V. Krishnaswami Aiyar, Sir Sankaran Nair and even now we have, if I may refer to them, my distinguished friend, Sir C. P. Ramaswami Aiyar and Mr. Alladi Krishnaswami Aiyar, the present Advocate General, who are all stalwarts in their profession. All these eminent men could hold their own against any lawyer in England or in other countries. ("Hear, hear.") That these people are prevented from rising to the highest rung of their profession or treated as inferior to a certain class of lawyers is really a slur on the system of administration. Sir, it has been said that there are King's Counsel in the Dominions and also in little Ceylon. If the Dominions are allowed to have King's Counsel, I do not understand why this country should not have them.

Sir, I have a shrewd suspicion that it is professional jealousy or racial animosity that is behind the opposition to this Bill. Excuse me for saying it; but I feel so from what I have heard in this House. Sir, I was very much impressed with one thing, that in the Bar Councils Act, to a certain section of which reference is made and which is being proposed to be amended, is a provision made for a species of people who are called King's Counsel. Why? As long as you do not have such people here in this country and King's Counsels from elsewhere are not recognised as such what is the object of that? You must either delete that provision in the Act or give effect to it. As a layman I can understand so much. Sir, if the Government of India cannot themselves give effect to it, I submit it is up to them to approach the proper quarters to achieve the object and they will be failing in their duty if they do not do so. My only suggestion is that that provision should not be kept a dead letter. With these words, Sir, I support the motion for reference to the Select Committee.

**Mr. B. R. Puri :** Sir, about 15 or 20 years ago a Civilian Deputy Commissioner of a district in the Punjab came back to this country after a period of privilege leave and of which he made very good use. For he came back as a married man and brought his wife to this country. On the day that he reached his headquarters all the gentry of the station had gone to receive him, and some of the big *Raises* were there to accord a welcome not only to their Deputy Commissioner but to his newly-wedded wife. The Deputy Commissioner introduced them to his wife as the principal and conspicuous people of the district. The first man stepped forward, and shook hands with the young lady. But the Deputy Commissioner stepped in and said, "Oh, my dear, these people neither expect nor deserve such recognition". Well, that incident happened many years ago. At that time the idea was that we people neither expected that we should be shown

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the courtesy of shaking hands with a European lady, nor, according to the views which then prevailed, did we really deserve such a concession. At the present day if we approach any subject or any measure in that spirit illustrated by that incident, I think we will be making a fatal mistake ; and I would remind some of my friends who are of the same school of thought that they should not approach this subject in that spirit but discuss it on its merits in an honest and academic spirit (Hear, hear).

I submit, Sir, that the weight of those opinions which have been received is entirely in favour of Sir Hari Singh Gour ; and my Honourable friend, Sir Lancelot Graham, has contributed precious little so far as his own observations and remarks go. Sir, I carefully listened every word that fell from his lips, but I find, that beyond referring to some of those opinions, he has not told us anything new or original.

Now coming to the merits of the Bill itself, I find that my Honourable friend and a former colleague, Mr. Brooke Elliott, has thrown a considerable amount of light upon this measure which is of a highly technical nature, and the House is really grateful to him for the information which he has laid at the disposal of the House. But I regret I cannot agree with him in the arguments which he has advanced, some of which have been adopted by my Honourable friend, Sir Lancelot Graham. Now the principal argument against the Bill which he advanced was that the tradition of the profession in England was that a K. C. could never come in direct contact with his client. He illustrated it by saying that the relative position of the client and the barrister was that of a sandwich ; the solicitor comes in between, and on one side is the client, and on the other side is the barrister, and the two never meet. He said that because in this country the conditions which prevail are entirely different and wholly opposed to the traditions prevailing in England, therefore the conferment of this distinction of K. C. would be incompatible and inconsistent with the dignity of a K. C. and the practice of this country. Let us carefully examine the value and the merit of this argument. I agree that this is the tradition which prevails in England, but this is not a tradition which is only applicable to K. C.'s. It is a tradition by which the members who belong to the utter Bar, those who are stuff gownsmen are also bound. If that be so, then may I ask a very legitimate question of my learned and Honourable friend Mr. Elliott ? How is it that the Inns of Court in England still confer the status of an utter barrister on people who practise in India ? They confer the diploma and the status of an utter barrister, knowing that these people are going to practise in a country where their ancient traditions cannot be respected and observed. My learned friend, Mr. Elliott, is practising now in a part of the country where that tradition is not observed. He himself conceded that in the course of his practice in this country he comes in contact with his clients directly.

**Mr. C. Brooke Elliott :** Sometimes yes, certainly.

**Mr. B. R. Puri :** If that be true, then I say that he is violating the traditions of his profession.

**Mr. C. Brooke Elliott :** I may say that if one is enrolled as an advocate in Madras, you must conform to the practices in Madras in relation to advocates. With regard to the other question, I do not see how you can import into India English silk with its traditions. If it can be solved, nobody will be more pleased than I.

**Mr. B. R. Puri :** If as a barrister he is permitted to violate that tradition, does it not *a fortiori* follow that with silk on he would not be committing any greater or higher sin if he did not observe those traditions, the tradition governing the ordinary barristers and K. C.'s being the same ?

**Mr. C. Brooke Elliott :** I would not call it a sin in either case.

**Mr. B. R. Puri :** If my learned friend, in coming into direct touch with his clients, is not conforming to those traditions, then the only thing he can do is to pack off tomorrow and go back to his country and practise where those traditions are really respected. What difference would it make if today my learned friend were given the distinction of a K. C. and he continued his practice here ? What new default or new sin would he be committing any more than he is committing at present ? He is violating that tradition now and he would be violating the same tradition then.

**Mr. C. Brooke Elliott :** Sir, I must really protest. I am violating no tradition. There is a tradition in England and you must not violate it there according to the rules of the legal trade union there. But when you come out here as an advocate and practise as an advocate, you have to observe the local tradition.

**Mr. Lalchand Navalrai :** Does the Honourable Member mean to say, that if he goes to a country where there are only lame people, he should also be lame ?

**Mr. B. R. Puri :** Sir, am I arguing or are these two people arguing ? (Laughter.)

Sir, if this Bill is ever passed, one thing of which I am sure is that neither my friend Mr. Lalchand Navalrai nor myself are likely to get the K. C. and it is therefore not from any personal considerations that I am advocating that the Bill is a perfectly legitimate measure.

Now, Sir, proceeding further, the next point which was urged by my learned friend and old respected colleague Mr. Brooke Elliott was that, before we passed this Bill, it was up to us to ascertain the wishes of either His Majesty or that of His Excellency the Governor General. Now, Sir, I admit that the distinction of a K. C. could only be conferred by His Majesty either directly or through his agents. A case in point is where my learned friend was given the distinction of a K. C. through the Governor General of Ceylon.

**Mr. C. Brooke Elliott :** By the Governor of Ceylon.

**Mr. B. R. Puri :** As agent of His Majesty ?

**Mr. C. Brooke Elliott :** Yes.

**Mr. B. R. Puri :** I submit that if that could be done there, I do not see why the same process could not be repeated here.

**Mr. C. Brooke Elliott :** Hear, hear ; I entirely agree.

**Mr. B. R. Puri :** What my learned friend wants is that, before we open our mouth, before we say that we are entitled to be created K. C.'s in this country, we should in the first instance phone up the Viceregal Lodge and obtain His Excellency's permission, saying that we are going to discuss this matter and if His Excellency is in an accommodating mood we will continue, otherwise we will stop. Now, Sir, I do not see with what justification this novel procedure is being advocated. All I can say is that my



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learned friend need only look at Act XIII of 1927 in order to see that the thing is already there. It is embodied in a legislative enactment.

**Mr. C. Brooke Elliott :** That is where we differ.

**Mr. B. R. Puri :** If it is already part of a legislative enactment which has received the assent of the Governor General, what more is needed, it is already in the Statute-book itself. Therefore I say that it does not lie in the mouth of my learned friend to say that we should again start *de novo* and move the authorities to take steps to clothe themselves with the necessary power from His Majesty's Government. It was their look-out and it was up to them, when they knew that such a law was passed to which they themselves had given their assent, to have in the meantime obtained the necessary power in order to be able to carry out an Act which they themselves had passed.

These were the two principal arguments which were advanced by my learned friend and I think this is a plain and simple answer to them. Having regard to the time I do not wish to prolong the debate further.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have listened very carefully to the arguments on this Bill and I must say that I do not understand the relevancy of same. What is the Bill before the House ? It is simply a Bill by which certain privileges which are conferred upon King's Counsel are to be taken away. That is the whole thing and nothing more. Then what is the object of discussing whether King's Counsel ought to be appointed in India and who are to be appointed King's Counsel ? The racial advantages and disadvantages of this question have been discussed threadbare. The grievances which Sir Hari Singh Gour made in the Statement of Objects and Reasons and which prompted him to introduce this measure are contained in paragraph 5 of the Statement :

“ The inclusion of King's Counsel and giving them seniority over all Barristers was based on an assumption then made that some Indian Barristers would be granted English Silk and that failing, the Government of India would take steps to establish a Dominion Silk as is the practice even in the smallest of Crown Colonies, *c.g.*, Ceylon and British Guiana.

Four years have since passed but that assumption has not been realised ”, etc.

His objection is that a junior counsel getting silk in England would be able to practise here as senior, over ripe and senior men. But has that happened in India at all ? If my information is correct, King's Counsel are not allowed, either by procedure, practice, rule or some other thing to practise in India ; and so far as I know, although my experience extends to over 32 years, not a single King's Counsel has ever come out to this country to practise in our courts. The only two King's Counsel who ever came out to India were, as far as I recollect, Mr. Kenrick and Mr. Gibbons. They came out as Advocates General of Bengal, and they practised as Advocates General.

**Mr. C. Brooke Elliott :** And Sergeant Ballantyne appeared in one famous criminal case.

**Mr. S. C. Sen :** Take the case of the Calcutta High Court. During my time no King's Counsel ever came out to practise there. As regards Bombay, my information is that no King's Counsel came out there either. As regards Nagpur I have no knowledge, but Sir Hari Singh Gour may be

able to say whether any junior King's Counsel ever came to practise there over his head ; but I do not think such a thing happened. So far as Madras is concerned, my information is the same. Then what is the grievance of which Sir Hari Singh Gour complains ? The old adage that one should be hurt before he cries applies here also. No question has ever arisen as regards King's Counsel, and why should we rush to take out an advantage which has been given by the Bar Councils Act but which, as far as I know, will never be availed of ? In these circumstances I do not see the object or utility of this Bill.

**The Honourable Sir James Crerar (Home Member) :** Mr. President, it had not been my purpose to take part in this debate. My decision was perhaps based on considerations of prudence and common sense—of common sense because, the particular issues raised in the Honourable and learned gentleman's Bill are issues primarily of interest to lawyers themselves and of prudence because, in a combat in which members of that very distinguished profession are protagonists, an intrusive layman might find his position difficult. Nevertheless, whether I am departing from considerations of prudence or of common sense or whether I am playing a more heroic part, I desire to intervene for a few minutes. My intervention will be very brief and it is merely in order to correct one or two misapprehensions which appear to me to have arisen in the course of the debate. The position which Government take with regard to this Bill has been very clearly and lucidly explained by my Honourable friend, Sir Lancelot Graham, and I should like to take this occasion to deprecate the somewhat unnecessary heat, with which the Honourable gentleman from the Punjab, who I do not see at present here, characterised what appeared to me a perfectly natural expression of a very natural difference of opinion between the Honourable gentleman opposite and my friend on this side. I am sure that Sir Hari Singh Gour will impute no discourtesy to me if I make that observation. I also think it is proper on my part to say a few words because Sir Hari Singh Gour referred to the very brief part which I took in the measure to which he referred as committing me to his present Bill. I cannot, of course, admit this and that point was also made clear by Sir Lancelot Graham. But I have considerations of a more general character which I wish to lay before the House. The general trend of the speeches of Honourable Members who have supported this measure would be almost calculated to give to an observer the impression that they think that any opposition to this Bill must necessarily proceed from a desire to disparage a very distinguished profession, and more particularly those gentlemen in India who with great distinction practise that profession. Nothing is further from my mind. I think that for those of us who have spent long years in India and have identified ourselves with India, nothing can give greater gratification than to recall the very brilliant talents of the many brilliant lawyers that India has produced and with whom we have been brought into contact. Nothing, therefore, could be further from my mind or from the mind of Government than to intend any disparagement to distinguished Indian lawyers by opposing this Bill. Our opposition is based on totally different grounds. If we considered that this Bill was really conducive to raise the status of members practising the profession of law in India, if we believed that the particular method adopted for conferring upon that profession a higher status could be achieved by this Bill, our position would be different. The ground of our opposition is that the Bill—I venture to say with the utmost deference to the legal

[Sir James Crerar.]

talents of the Honourable and learned Gentleman opposite,—the Bill from that point of view is misconceived, whatever its original intention may be, if that is the effect intended. Therefore, I maintain that in opposing the Bill which we feel is not at all calculated to promote that object and may indeed in some respects be calculated to prejudice it, there is no disparagement of the profession of law.

The second point which I wish to impress upon the House was a point which was made with great emphasis and great lucidity by the Honourable and learned gentleman from Madras. He pointed out that India was now at a stage with great constitutional changes ahead and that in particular it is very probable that there will be very great changes in the machinery of the administration of law. He urged that until we know precisely what that position is going to be, till we know with greater precision that it is at the present stage possible for us to know, what kind of picture these new ideas are to present, we should postpone consideration of this matter, and that I think is a very material consideration. It weighs very strongly with me and I hope the House will accept the assurance I have already given that the views which we found it necessary to express on this side of the House do not proceed in the slightest degree from the motive which I fear some Honourable Members opposite were inclined to suppose. Very far from it. The position requires much more careful exploration and if the information we have with regard to the English practice in the matter is found to be deficient, I shall certainly act upon the suggestion of the Honourable and learned gentleman from Madras and take all proper steps to supplement it. These are the grounds very briefly on which we find it necessary to oppose the motion which will commit us to the principle of a Bill which we do not think is calculated to achieve the object in view and which it is certainly premature for this House to be called upon to accept.

**Sir Hari Singh Gour :** Sir, we have spent the whole day over the discussion of this very short Bill, and I am very sorry to find that no one on the Government Benches has yet explained how that phrase King's Counsel found its place in the Act of 1927. It was up to the Honourable the Home Member to explain what he intended by that phrase in the Act of 1927. That Act was intended to classify the legal practitioners in India and there is a provision in that very Act that the High Court shall enrol legal practitioners in the following order : amongst them occurs King's Counsel. He is the author of that Bill and it was up to him to explain what he meant by putting into the Bill of 1927 an imaginary entity. The Act of 1927 was intended to give effect to the declaration made by the Indian Bar Committee and accepted by the Government of India that the Indian Bar shall be an autonomous Bar. Autonomous Bar means that from top to bottom it will have an individuality and independence of its own. That was the underlying purpose of the Act of 1927.

I, therefore, submit that all the discussion, that has proceeded to-day,—shall we have King's Counsel in India or should we not have King's Counsel,—is entirely beside the mark. You have got it here on the statute of 1927 and what do you mean by it ? The Honourable the Home Member knew full well the weakness of his case and consequently he put up the Legal Secretary, relying fully upon his characteristic frivolity and irrelevance ; and not having any reply to give, all that he did say was

that his head was somewhat muddled on account of the financial crisis and that I should interrupt him as often as I liked so that his speech might be a short and inconclusive one. That, I submit, is all the reply that he has given. He has not been able to take the bull by the horns, which I expected him to do, and the only answer I can give is that my case is unanswerable. My friend refers to a meeting of the Calcutta Bar, overlooking the Resolution of the Bar Association of the Calcutta High Court.....

**Sir Lancelot Graham :** I read out the Bar Association's Resolution.

**Sir Hari Singh Gour :** The Bar Association has supported the Bill ; one point they made was that they were anxious to get English silk and not any Dominion silk. As a member of the Calcutta Bar, I can quite sympathise with their feelings. For the last twenty years the Calcutta Bar has been struggling for the distinction of getting English silk as distinct from local silk, and it is on that account that they oppose this Bill, except on the ground they say that, " If we get English silk then we are satisfied and we will support the Bill ". But neither the Calcutta Bar nor anybody nor any Judge has yet explained how you are going to make the provisions of the Act of 1927 effective, unless you define King's Counsel. My friend, Sir Lancelot Graham, says, " Oh ! you are taking away the privilege of the members of the English Bar who have been entitled to practise in India under the provisions of the Act of 1927 ". No Member who had anything to do with the Act of 1927—and I happened to be one of them because I took part and collaborated with the Government through all its stages including Select Committee—if I had once dreamt that there was a secret intention on the part of the Government to let in English King's Counsel under this clause and give them pre-eminence and superiority over Indian counsel, I would have been the last person to sign the report of the Select Committee which culminated in the enactment of this Act. I say if there was any Machiavellian design intended to entrap this House in 1927 by placing upon the Statute-book a terminology which I find is placed there with the secret intention to allow any English King's Counsel and place them in superiority over Indian barristers and Indian advocates, irrespective of their seniority and standing, then I submit that this House has not been a willing Legislature and has not willingly accorded its sanction to the Act of 1927. I cannot ascribe to the Government of that day that intention, and I must therefore feel that the Act of 1927 was an honest Act designed and constructed to give effect to the policy of the Government of India that the Indian Bar shall be a self-contained Bar. That, I submit, is the Act of 1927 and every patriotic Indian, who feels that this country should not be left in a position of subordination, will vote for this motion, regardless of what may happen in the Round Table Conference. We are always told, " Wait till the Round Table Conference ". Will the Honourable the Home Member assure us that he will withhold his Press Bill and his Foreign Relations Bill till the result of the Round Table Conference is known ? Here is a fair offer ; if he is willing to withhold his Bills, I am going to withdraw mine. (Laughter.) And as my friend, Mr. Elliott, says, ask him to include the Budget also. It is all very well to say that, when you do not want us to do anything, we should wait for the Round Table Conference. We have waited for four years, from 1927 till now ; we cannot wait any longer and I therefore press my motion.

**Mr. President : The question is :**

“ That the Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of Section 2), be referred to a Select Committee consisting of the Honourable the Home Member, Sir Muhammad Yakub, Mr. B. R. Puri, Mr. Lalchand Navalrai, Mr. A. Hoon, Mr. T. N. Ramakrishna Reddi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. Gaya Prasad Singh, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The Assembly divided :

**AYES—29.**

Abdur Rahim, Sir.  
Aggarwal, Mr. Jagan Nath.  
Anwar-ul-Azim, Mr. Muhammad.  
Azhar Ali, Mr. Muhammad.  
Bhuput Sing, Mr.  
Chinoy, Mr. Rahimtoola M.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Ismail Ali Khan, Kunwar Hajee.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Kyaw Myint, U  
Lalchand Navalrai, Mr.

Maswood Ahmad, Mr. M.  
Pandit, Rao Bahadur S. R.  
Patil, Rao Bahadur B. L.  
Puri, Mr. B. R.  
Puri, Mr. Goswami M. R.  
Rajah, Raja Sir Vasudeva.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Suhrawardy, Sir Abdullah.  
Thampan, Mr. K. P.  
Tun Aung, U

**NOES—45.**

Abdoola Haroon, Seth Haji.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Clerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dyer, Mr. J. F.  
Fazli-Husain, The Honourable Khan Bahadur Mian Sir.  
Fox, Mr. H. B.  
French, Mr. J. C.  
Graham, Sir Lancelot.  
Griffiths, Mr. G. I.  
Heatheote, Mr. L. V.  
Hezlett, Mr. J.  
Howell, Mr. E. B.  
Ishwarsingji, Nawab Naharsingji.  
Knight, Mr. H. F.  
Lal Chand, Captain, R. B.

Lall, Mr. S.  
Leach, Mr. F. B.  
Misra, Mr. B. N.  
Montgomery, Mr. H.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Parsons, Mr. A. A. L.  
Rafiuddin Ahmad, Khan Bahadur Maulvi.  
Rainy, The Honourable Sir George.  
Rajah, Rao Bahadur M. C.  
Rama Rao, Rai Bahadur U.  
Row, Mr. K. Sanjiva.  
Roy, Mr. S. N.  
Sahi, Mr. Ram Prasad Narayan.  
Sams, Sir Hubert.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar, Captain.  
Shillidy, Mr. J. A.  
Studd, Mr. E.  
Sykes, Mr. E. F.  
Tait, Mr. John.  
Todd, Mr. A. H. A.  
Young, Mr. G. M.

The motion was negatived.

**Mr. President :** I understand that it is the general desire amongst non-official Members that we should adjourn now till Saturday. (*Several Honourable Members :* “ Yes, yes ”), and take up a Resolution on the statement made by the Honourable the Finance Member. That being so, I adjourn the House till 11 o'clock on Saturday.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 26th September, 1931.

## LEGISLATIVE ASSEMBLY.

*Saturday, 26th September, 1931.*

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The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

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### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

“ I am directed to state that the Council of State has, at its meeting held on the 24th September, 1931, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 16th September, 1931, namely :

1. A Bill further to amend the Indian Mines Act, 1923, for a certain purpose,
  2. A Bill further to amend the Indian Succession Act, 1925, for a certain purpose,
  3. A Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes,
  4. A Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody, and
  5. A Bill to amend the Land Customs Act, 1924, for a certain purpose.”
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### STATEMENT OF BUSINESS.

**The Honourable Sir George Rainy** (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business during the week beginning Monday, the 28th. The business on that day will be the motion to take into consideration the Press Bill as reported by the Select Committee. On Thursday last my Honourable colleague the Finance Member said that he would introduce a Finance Bill on Monday, but it has proved impossible to complete the arrangements in time, and the Bill will therefore be introduced on Tuesday. It is not expected that the Press Bill will be finished on Monday, and it will be taken again on Tuesday. On that day, we shall ask you, Sir, to adjourn the House for a short time after 4-30 until 5 P.M., in order to allow of the Finance Member making a statement at that hour to be followed by a motion for leave to introduce a Finance Bill. For the remaining days of the week on which the House sits—and for this purpose we shall probably invite you, Sir, to direct that the House shall sit on Wednesday, Thursday, and Friday—it is proposed to go on with the Government Agenda now on the paper, that is to say, after the conclusion of the Press Bill the other business which has already appeared on the Agenda will be taken.

As regards the subsequent programme for the Finance Bill, I am not in a position to make any announcement except to say that Government desire to consult with the Leaders of the different Parties in this House before coming to a conclusion.

## RESOLUTION *RE* EXCHANGE, GOLD RESERVES AND THE SUPPLEMENTARY FINANCE BILL.

**Mr. President :** Mr. R. K. Shanmukham Chetty.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I have received a copy of the motion which my Honourable friend the Deputy President proposes to move, and I wish to refer you, Sir, to the Indian Legislative Rule 24A which reads as follows :

“ Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor General under any provision of the Government of India Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with the rules governing the moving of Resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.”

Inasmuch as it has been decided by my Honourable friend to adopt the procedure of moving a motion which is covered by the rule which I have just read out, I find it necessary to inform you as the Member of the Government in charge of the Department to which the motion relates that we find it impossible to give our consent to the third paragraph of my Honourable friend's motion which reads as follows :

“ Further, this Assembly records its emphatic condemnation of, and resentment against, the manner in which far-reaching decisions affecting the financial and economic life of the country have been taken by the Secretary of State for India without any reference to the Indian Legislature, although it was in session.”

I think the House will appreciate that in dealing with the whole matter we have been desirous to afford to the House every possible opportunity for expressing their opinions, but I think that all Honourable Members will also appreciate that as the Government under this rule have to take the active process of giving their consent to the motion being moved, it would hardly be possible for us to give our consent to the particular part of the motion to which I have referred. Therefore, on behalf of the Government, I wish you to accept that expression of opinion and my inability to give consent to that portion of the Resolution being moved.

(At this stage Sir Hari Singh Gour rose in his seat.)

**Mr. President :** I take it that the consent of the Member in charge as required by Legislative Rule 24A has not been obtained. That being so, the Honourable Member will have to move the motion in the form in which the Honourable Member in charge is agreeable to give his consent. I see that Sir Hari Singh Gour wishes to speak. I should like to know what he has to say on the subject.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : This is what I wanted to say. I do not think the Honourable the Finance Member will raise any objection if we modify the clause, which the Honourable Member has just read out, in the following terms :

“ Further, this Assembly records its disapproval that far-reaching decisions affecting the financial and economic life of the country have been taken by the Secretary of State for India without any reference to the Indian Legislature, although it was in session.”

We merely record our disapproval.

**The Honourable Sir George Schuster :** I am, I am afraid, unable to recognise any distinction between the words which my Honourable friend

has just read out and those to which I originally took exception. I am afraid there is no possibility of the Government being able to accept any modification of that particular portion of the motion.

**Mr. President :** I take it then that the position of the Government is that they will give their consent to the motion *minus* the paragraph to which objection is taken.

(The Honourable Sir George Schuster nodded assent.)

I wish now to know from Mr. Shanmukham Chetty whether he is agreeable to move the motion in the form consented to by the Member in charge.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan) : Mr. President, I have really no choice in the matter. I am fully aware of the fact that under the rules and Standing Orders a motion of this nature cannot be made without the consent of the Member in charge of the subject to which the motion relates. I have not obtained his consent for the motion as it stands on the Order Paper to-day, and if my Honourable friend really objects to my moving that part of the motion, as I said, I have no alternative and I shall certainly move my motion without that paragraph.

**Mr. President :** I will now call upon the Honourable Member to do so.

**Mr. R. K. Shanmukham Chetty :** Mr. President, with your permission, I beg to move the following motion that stands in my name on the Order Paper :

“ *WHEREAS* it is apprehended that it would be seriously detrimental to the interests of India to link the rupee to sterling under present conditions ; and

*WHEREAS* the action of the Government of India as currency authority in maintaining the exchange value of the rupee at 18*d.* has had disastrous effects on the agricultural and industrial interests of the country and has resulted in the depletion of the gold assets in the currency reserves ; and

*WHEREAS* it is further apprehended that the linking of the rupee to sterling and the consequent obligation imposed upon the Governor General in Council by the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931) will result in further frittering away the gold assets to the grave detriment of the financial and economic life of the country ;

*This Assembly* is of opinion that the Governor General in Council should immediately take such steps as are necessary to ensure that the total amount of the gold and sterling assets in the Paper Currency and Gold Standard Reserves are not allowed on any account to fall below the level at which they stand at present ; and

*This Assembly* is further of opinion that under the present circumstances it would be in the best interests of the country for the Governor General in Council to take steps to restore the Ordinance No. VI of 1931 and to relieve himself from the obligation imposed upon him by section 5 of the Currency Act, 1927, or by Ordinance VII of 1931, and that in any case if Government are determined to continue Ordinance No. VII of 1931, such obligation ought not to be undertaken unless and until substantial long term credits are forthwith granted in favour of the Government of India in London by His Majesty's Government on reasonable terms and conditions.

With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session.”

**Mr. Arthur Moore** (Bengal : European) : On a point of order. With reference to the last paragraph, may I ask whether it does not raise an entirely different issue and is therefore out of order under the terms of the Rules and Standing Order ?



**Mr. President :** The point raised has been very carefully considered by the Chair. At one time it was intended by non-official Members to move a separate Resolution on the subject of the Finance Bill. When some doubts were raised, it was represented to the Chair that the motion which was proposed to be moved at to-day's special meeting was in regard to the statement which the Honourable the Finance Member had made on the floor of the House. In the course of that statement the Honourable the Finance Member did state that he intended to introduce a Finance Bill. It was therefore clear that the Finance Bill formed a part of the statement made by him and therefore this paragraph in the motion is quite in order.

**Mr. R. K. Shanmukham Chetty :** Mr. President, I thank you for the ruling that you have given on the point of order raised by my Honourable friend, and before I come to the main theme of the motion that I have moved, I would like to say a few words on the last paragraph of the motion with reference to the expression of opinion of this House relating to the intention of the Honourable the Finance Member to introduce a second Finance Bill during the current session of the Assembly. That part of my motion relating to this subject records the opinion of this House that when Government contemplate taking a serious measure of the nature involved in the introduction of a Finance Bill, and the consequent imposition of fresh taxation on the country, it is but natural and proper that Honourable Members on this side of the House should demand of Government that sufficient notice ought to be given to them so that they might be prepared to receive the taxation proposals of the Government and make arrangements to be present in Simla for the consideration of those proposals. It is no doubt true that for the last few weeks informed circles were anticipating the introduction of fresh taxation proposals, but I submit that not one of us, even the most well informed person, imagined that fresh taxation proposals in the form of a second Finance Bill would be hurled on this House at such short notice. It might be argued that when a session is on, it is up to Honourable Members to be present in Delhi or Simla to attend to the business that might come on in the House from day to day, but I submit that the position with which we are faced to-day is entirely different. Every one knows that in the normal course of business during the Delhi Session somewhere in February or March the Government always introduce their financial proposals, and Honourable Members make it a point to arrange their programme with a view to enable them to be present during the discussion of those financial proposals but the position to-day is entirely different. Many Honourable Members before the legislative session in Simla was announced were under the impression that this session would be a very uneventful one. To their great surprise they were presented with the Press Bill and as an emergency measure they did not think it proper to complain of want of notice, but we are not prepared to adopt that course in the case of the Finance Bill. Many Honourable Members have not come to Simla because they thought that there could not be any important proposals coming forward this session and many who were in Simla during the earlier part of the session thought that there would not be any sensational or eventful measure brought forward and consequently many of our Members have left Simla. Under these circumstances I would submit to you, Sir, that it is highly improper for Government to introduce any taxation proposals during this session, and I do hope that my Honourable friend the Finance Member will realise the justice underlying the plea that I am making on behalf of the non-official Members and give due consideration to the point of view that I have urged before him and make some

arrangement with a view to give due notice to Honourable Members about the taxation proposals. When I make this request to him, let me make my position perfectly clear.

We on this side of the House do not want to shirk any discussion of any financial proposals that my Honourable friend wants to bring forward, but whatever might be those proposals and their merits, we are entitled to claim in justice that our Members shall have due notice of those proposals, and I do hope that Honourable Members who follow me will impress upon the Government the necessity for giving due notice to Honourable Members and making such arrangements as may be necessary and advisable, so that due notice might be given. I shall leave that part of my motion at that and I shall now come to the main theme of my motion.

During the last one week we have all been passing through a period of great excitement and the excitement has been all the greater because of the fact that many of us did not know what we were excited about. We all realized that there was something momentous going on around us, but very few realized the gravity and seriousness of the situation with which we were faced, and in face of this serious situation it is no wonder that a great deal of confusion has been caused not merely in the minds of Honourable Members in this House but in the mind of the public at large ; and I would submit that the action of the Government in declaring three consecutive Bank holidays has added to the confusion. In dealing with a matter like the one raised in my motion, I quite realize that it is difficult to avoid technicalities to a certain extent, but that it is also necessary to make the position clear even to those who do not ordinarily trouble themselves about these things. I will therefore, Sir, attempt to cover in my speech the main grounds in three aspects. I will first of all attempt to give Honourable Members a narrative of the facts which have led to the present position. I shall then indicate to them the manner and the method which the Secretary of State has thought fit to adopt and the implication of the measures that he has imposed upon this country ; and lastly, I shall try to explain to Honourable Members what the apprehended economic and financial consequences of the proposals made by my Honourable friend are.

Last Monday morning at half past eight, we heard the startling news that Great Britain had gone off the gold standard. Before last Monday, anyone in England who took to the Bank of England currency notes was entitled to demand, in return for those notes, a certain amount of gold at a rate fixed by statute. The effect of the announcement made on Monday morning was that the Bank of England was relieved of the obligation to give gold in exchange for currency notes. Even before we got out of the shock caused by this announcement, we heard the statement that my Honourable friend, the Finance Member, made in this House that H. E. the Viceroy had issued an Ordinance relieving the Government of India as the currency authority of the obligation to give gold or sterling exchange in return for rupees or currency notes. Under the Currency Act of 1927, the Government of India as the currency authority of the country are bound to give to anyone who took currency notes or rupees either gold in exchange or sterling remittance at the rate fixed in that Act. The meaning of the announcement made by my Honourable friend on Monday morning was that the Government of India as the currency authority was relieved of this

[Mr. R. K. Shanmukham Chetty.]

obligation. Sir, it took some time for us to realize the implications of this momentous step taken by the Government in Great Britain, and the consequential step taken by the Government in India. But before we recovered from our confusion, we heard the startling news across the wires that the Secretary of State made before the Federal Structure Committee a statement which was absolutely contrary to the statement made by my Honourable friend here at 11 o'clock that morning. Sir, it is not given to us to know the secrets that pass behind the room where meetings of the Executive Council are held, nor is it open to us even to have a glimpse at the messages that flash across between Whitehall and Simla : but, reading between the lines, we can picture to ourselves the events of that day. Evidently my Honourable friend, the Finance Member, had a very unpleasant dish at his breakfast table that morning in the form of a telegram announcing the abandonment of the gold standard by Great Britain. And I take it, though I have not first-hand information on that point, that he immediately got into his rickshaw or mounted his pony—I do not know which—and rushed to Viceregal Lodge ; and I do not know if he took his Secretary, the Honourable Mr. Denning, with him, but certainly he must have rushed to Viceregal Lodge and he must have told the Viceroy that something had gone wrong and presumably he asked him to put his signature to a certain Ordinance. Soon after the Ordinance was issued, I take it the Government of India sent a copy of that across the wires to the Secretary of State, and the Secretary of State and his officers were evidently startled by this news that was flashed out from Simla : and without losing a moment, the Secretary of State hurried to the Federal Structure Committee in the same hurry, but perhaps in a motor car (Laughter) and there announced to them what in effect comes to this. “ The Finance Member has acted in a manner which I consider is not in the interests of India and England. He certainly has acted without my consent. He has no business to act in that manner. I therefore overrule what he announced there three hours ago and I tell you, gentlemen, that in the interests of India again I have determined to maintain the rupee linked to sterling (Hear, here). ” That, Sir, was the dramatic episode which, though I have not witnessed it, I can very well imagine must have taken place on Monday between 11 o'clock in the morning and 4 o'clock in the afternoon.

I want Honourable Members to realize this, that the announcement made by the Secretary of State at the Federal Structure Committee is the direct negative and opposite of the statement which my Honourable friend made in this House and of the policy enunciated in the Ordinance promulgated by the Viceroy. Sir, with regard to a matter vitally affecting the economic life of India, I would rather trust the Finance Member of the Government of India as compared to the Secretary of State in London (Loud Applause.) When my Honourable friend, the Finance Member, was on Monday faced with a serious situation, he, whether consciously or unconsciously—I hope and believe consciously—acted on his first impulse and did something which was really in the interests of India. And I would take this opportunity of tendering to him the thanks of this side of the House for having acted in the interests of India. (Loud Applause.) In tendering him my thanks, I know I am creating an embarrassing situation for my Honourable friend. I am not going to ask him the direct question whether, when the Secretary of State cancelled his announcement, he consulted the Honourable the Finance Member of the Government of India

I do not want my Honourable friend to answer that question, I know the answer myself. Sir, my Honourable friend took objection to that part of my motion which relates to the condemnation of the Secretary of State's action. But I am glad that you cannot prevent me from saying what I feel on that subject. The Indian Legislature was in session ; the Finance Member of the Government of India as the man on the spot must be trusted to know what was in the best interests of the country when the country was faced with a crisis of this nature, and yet what happens ? Without reference to the Indian Legislature, and I say without reference even to the Government of India, the Secretary of State, acting on the advice of the financial interests in Great Britain, prescribes to us and imposes upon us a policy the result of which will be disastrous to the economic welfare of this country. I know the limitations of my Honourable friend the Finance Member and the Government of India in this matter. I know that they are subordinate agents of the Secretary of State. I know that if in the place of my Honourable friend the Finance Member there were a Minister responsible to this Legislature, and if that Minister were overruled by a higher authority, he would have had no option but to tender his resignation. I do not want my Honourable friend the Finance Member to tender his resignation. I do hope that, in spite of his having been ruled out by higher authorities, he will still remain with us and carry on the burdens of the Finance Membership of the Government of India. But, Sir, though the Government of India as the subordinate agents of the Secretary of State can pocket this insult, we on this side of the House, representing the people of this country, are not prepared to pocket this insult. If really the Secretary of State thought that the Finance Member had committed an error of judgment, if the Secretary of State and his advisers honestly thought that the course recommended by my Honourable friend the Finance Member was not in the best interests of the country, even then I submit, it was up to the Secretary of State, in consultation with the Government of India and with their approval, to bring before this House the necessary measures to effect legislation embodying his proposals. Instead of doing that what has happened ? The Ordinance issued by the Viceroy on Monday morning under the advice of the Finance Member was cancelled within three days ; a new Ordinance has taken its place, and I ask how long is this Ordinance to be in force ? When the power of making Ordinances was vested in the Viceroy, was it not the intention of the authors of the Government of India Act that this power of making Ordinances must be used by the Viceroy only in great emergencies when the Legislature was not in session, or if the Legislature was in session but refused to give assent to the proposals of the Government ? This Ordinance No. 7 of 1931, that was issued three days ago, alters one of the fundamental provisions of the Paper Currency Act of 1927, an Act passed by this Legislature. And I put it to the Government whether it is treating the House fairly and justly to cancel one of the main provisions of an Act of the Indian Legislature by an Ordinance of the Viceroy when the Legislature is in session. I am prepared to grant that when they were faced with an emergency and a crisis of this nature, it was certainly the duty of the Viceroy, acting under the advice of his financial advisers, to issue any Ordinance that he pleased. But I also submit, Sir, that the Government of India ought to take the earliest opportunity of bringing before this House the necessary legislation embodying the provisions of that Ordinance. That Ordinance was issued three days ago and we have not yet heard from the Government whether they contemplate bringing before this House any Bill incorporating the provisions of that Ordinance ; and so long

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as the Government of India fail to do that, it would be a serious insult to the non-official representatives in this House, an insult which they can protest against only by giving expression to their feelings in this House and by passing the motion that I have tabled today. I therefore hope that apart from the technicalities of the motion involved, every non-official Honourable Member in this House, including my Honourable friends of the European Group, will realise the implications of the step taken by the Viceroy in issuing the Ordinance and the reluctance shown by the Government of India to bring in the necessary legislation embodying the principles of that Ordinance. Sir, at a time when our delegates are assembled in London discussing the question of the future constitution of this country, discussing the question of delegating to the representatives of the Indian people more powers over internal affairs, at that time we find the Government of India acting under the instructions of the Secretary of State depriving this House even of the little power entrusted to it by the Government of India Act ; and I ask the Honourable Members whether they are prepared to tolerate a position of that nature. (*Cries of "No, no."*) If they are not prepared to tolerate that position, they have no other course but to walk with me into the lobby when the motion is put to the vote.

Having said so much about the arbitrary action of the Secretary of State in over-ruling the decision of the Government of India and in imposing his decision upon the Indian people, I should like to say a word or two about the implications of the action of the Secretary of State. The action of the Secretary of State comes to this, that the Ordinance issued on Monday morning stands cancelled, that the provisions of section 5 of the Paper Currency Act stand cancelled. In place of that the obligation is imposed upon the Government of India as currency authority to sell sterling at the statutory rate for legitimate trade and other purposes. The position of our rupee, Sir, the currency of our country, has undergone many vicissitudes within three days. On Sunday evening every rupee that we had in our pockets was linked to gold through the medium of sterling. On Monday morning it was linked neither to gold nor to sterling ; on Monday afternoon it was linked by the Secretary of State to sterling as divorced from gold. These are the vicissitudes through which our national currency has passed, and let us take stock of the position today. I want to explain to Honourable Members in the briefest manner possible the economic and financial repercussions on our country of this step taken by the Secretary of State. In order to enable Honourable Members to follow me in my arguments, I must ask their indulgence if I take them back in historical retrospect just for a few years and ask them to rivet their attention on what took place in the years 1926 and 1927. The ashes of controversy are still hot in the furnace and I do not want to take this opportunity of kindling the fire again.

We all remember the public agitation that was caused as a result of the determination of the Government of India to fix the exchange value of the rupee at 18*d.* The Indian commercial and public opinion in 1927 emphatically protested against the contemplated action of the Government of India and Indian commercial opinion was practically unanimous that if the rupee was fixed at 18*d.* gold would lead to serious consequences to the great detriment of the economic and financial interests of the country. We were told at the time that we were indulging in

a jeremiad, that we were picturing to ourselves a gloomy state of things which was not warranted by the economic conditions of India and the world as they existed then. We were told that India would not suffer but stood to gain by linking the rupee to 18*d.* in gold. But, Sir, subsequent events have proved that the apprehensions that we entertained in those days were not altogether unfounded, that even though other causes have intervened, even though other phenomena have occurred in the world during the last five years, the fact yet remains that the step that the Government of India took in 1927 in fixing the exchange value at 18*d.* against the almost unanimous wish of the Indian public, has resulted in serious economic consequences to our country. What has been the result? As a result of the attempt made by the Government to maintain the exchange value of the rupee at 18*d.*, there has been a contraction of currency in this country to an extent which cannot, in any circumstances, be justified. By contraction of currency is meant withdrawing of actual currency from circulation, and how much of currency was withdrawn in 1926-27 soon after the Bill was passed? Contraction of currency took place to the extent of 29½ crores in that one year. In 1927-28, 4 crores and 10 lakhs were withdrawn. In 1929-30, 32 crores and 41 lakhs were withdrawn. In 1930-31, 38 crores and 64 lakhs were withdrawn, and during the last five months of the current financial year, 36 crores worth of currency have been withdrawn. The total comes to 138½ crores of currency withdrawn from circulation. I would ask Honourable Members to realise what the economic consequences in the country will be when you withdraw from circulation currency to the extent of 138½ crores of rupees in the course of four or five years. The result has been stringent money conditions. Agriculture and industry have been starved of the necessary funds to carry on current operations. The Bank rate has been kept high and all these have resulted in creating enormous difficulties to the vast agricultural population of this country and in practically crippling the resources of the industries of this country. Nor was this the only effect of the attempt of the Government to maintain the value of the rupee at 18*d.* Our gold assets have been frittered away. On the 30th April, 1926, our gold assets stood at 51 crores of rupees in the form of sterling securities, and 30 crores in gold bullion, to which was added in 1928-29 2.45 crores of rupees gold bullion, in 1930-31, 1.89 crores and in 1931-32, about 9 crores, so that the total gold reserve that we ought to have to-day is 124.3 crores. As against that, what is the gold reserve that we are left with to-day? To-day, our gold resources, taking the gold bullion and sterling securities together, stand at only 58 crores of rupees. The meaning of this is that within the last four or five years we have lost our gold resources to the extent of 66½ crores of rupees. I know I will be told that the diminution in the gold reserves ought not to be wholly attributed to the attempt of the Government to maintain the exchange. I know that I will be told of the flight of capital abroad, and that the extraordinary political conditions that prevailed in the country have contributed to this diminution of our gold reserves; but even making allowance for all these extraordinary factors, I still maintain, Sir, that if it were not for the attempt of the Government of India to maintain the exchange value of the rupee at 18*d.* our gold resources to-day would have stood in the neighbourhood of 124 crores of rupees instead of the 58 crores at which they stand to-day. My Honourable friend, the Finance Member, wanted this House to go away under the impression that our gold has increased by nearly 7 millions

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as compared with the last year. He would pardon me if I venture to say that his statement is a half-truth. So far as it goes, it is technically correct. But, Sir, when we talk of our gold resources, we do not only take into account the gold bullion that we have, but we have to take into account the sterling and gold securities that we have, and I submit that if you consider your gold assets, taking into account both the gold bullion and sterling securities, the fact remains that during the last five years our gold resources have been depleted to the extent of 66½ crores. What is the nature of the gold which has come into the currency charts and about which my Honourable friend, the Finance Member, spoke? He spoke of the currency authorities having acquired seven million pounds of gold. But I do not know how many Honourable Members know the fact that these seven million pounds of gold were not attracted into the currency treasuries as a result of the expansion of our export trade, but these seven million worth of gold came from up-country, and it is what is called distressed gold. This seven million worth of gold is the gold that the poor people have had to part with in the villages as a result of the depression and crisis with which they were faced. This seven million worth of gold is the accumulation of small quantities of gold which the poor man and the agriculturists in the villages had to part with to purchase the necessary articles of food for themselves and this phenomena of seven millions worth of gold coming into the currency reserves is not one on which we ought to congratulate ourselves. But that is neither here nor there. What I want to impress upon Honourable Members is this, that our gold resources to-day have been depleted to the extent of 66½ crores of rupees. Nor is this the whole story. In the effort to maintain exchange, we have not merely depleted our gold reserves to the extent of 66½ crores of rupees, but we have incurred additional sterling liability to the extent of 52 million pounds or about 70 crores of rupees. The meaning of that is this, that within the last five years, to maintain exchange, in addition to the depleting of gold resources, we had raised money in London to the tune of 70 crores of rupees and to-day India is burdened with an external debt of 70 crores of rupees more than what it was five years ago and that certainly is not a matter on which we can congratulate ourselves.

I am not one of those who attribute all the economic ills of India to the ratio. I am not one of those who believe that a 16d. ratio is the panacea for all the economic ills of the country. But I certainly believe that the economic crisis through which we have been passing has been seriously accentuated by the policy of the Government of India in maintaining the exchange value of the rupee at 18d. Most modestly put in that way, no one can challenge the accuracy of my statement. Government have been deaf to the demands of the Indian public in this matter. They were actuated by motives of prestige, and whenever there was a discussion on any form about the exchange value of the rupee, the Finance Member repeatedly assured India and the world at large that the Government were determined to maintain this exchange value of the rupee and that they had enough resources to maintain that obligation. They were deaf, I say, to Indian public opinion; but an opportunity came to them unexpectedly last Monday morning. What they could not do in response to Indian public opinion they could have done on Monday morning. I would not be the cynic to say that England's difficulties are India's opportunities. But on Monday morning the position was this; the

difficult situation in which England found herself that day and her consequent abandonment of the gold standard in England certainly offered a splendid opportunity for the Government of India to retrieve the mistake of the last five years and again to put the rupee on a proper basis. Acting on the first impulse my Honourable friend the Finance Member acted that day in a manner that was in the best interests of the country. But unfortunately he was overruled by the Secretary of State. Can there be any justification for this action taken by the Secretary of State? England abandoned the gold standard on Monday morning, because there was a flight of money from England and there was a demand for the gold which was in the vaults of the Bank of England. Was not that in a lesser degree the same position in which we found ourselves that day. Has it not been the case that the Government of India's sterling resources have had to bear a tremendous strain during the past few months in meeting sterling obligations? England and India, I submit, were faced with the same problem and the same crisis; and if the abandonment of the gold standard was good for England, I ask, was it not good for India also? What is sauce to the English goose must certainly be sauce to the Indian gander; and yet India was not allowed to adopt a course of action which England with her enormous resources thought necessary to adopt in a time of crisis; and a new standard of exchange value was imposed upon us. And that standard has been imposed upon us in the name of stability. The Government of India have in season and out of season sung the song of stability of exchange. I am all for stability ("Hear, hear" *from the European Benches*), but I am not for phantom stability, coupled with real insolvency. ("Hear, hear" *from the Nationalist Benches*). I repeat that I am not for phantom stability and real insolvency, and that is the position with which we are faced to-day.

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : They will not be insolvent : it is we who will be insolvent.

**Mr. R. K. Shanmukham Chetty** : If the song of stability has been sung all these years, I ask my Honourable friends on that side of the House, have we now been placed on a stable basis? Has the Ordinance promulgated three days ago placed our currency on a stable basis? It has not. It has been tied to the chariot wheels of sterling to go the way of sterling, whatever it may be; and I ask, with sterling divorced from gold, do you call a rupee linked to sterling a stable currency?

Therefore we are faced with a position of instability; and that instability is not of our making. Our only complaint is, why add to the difficulties of our unstable position by imposing upon us a scheme of things which will lead to insolvency and nowhere else? Be it remembered that the Act of 1927 fixed the exchange value of the rupee at 18*d.* gold and not at 18*d.* sterling. In the very first sentence of the speech which Sir Basil Blackett made on that occasion, he made it perfectly clear that the object of the Currency Act of 1927 was to fix the exchange value of the rupee at 18*d.* gold; and with all the boasted resources of the Government of India, backed by the enormous resources of His Majesty's Government, where, I ask, is that 18*d.* gold rupee? The 18*d.* gold rupee has gone in spite of the attempts of the Government of India to maintain it; and let it be realised by my Honourable friends to-day that in spite of the phantom stability, we are not on the basis of 18*d.* gold but we are on the basis of 18*d.* sterling, at the mercy of the fortunes of sterling. In other words we have abandoned the practical gold standard on which we have been



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working from 1927, and we have been linked to the new standard which might be called a sterling exchange standard. Can there be any justification for the Secretary of State to take such a momentous step to bring about such a radical alteration in the value of our currency without consulting Indian public opinion, and without consulting the Indian Legislature? There can only be one answer to that question, that there cannot be the slightest justification.

The Ordinance issued three days ago in accordance with the announcement made by the Secretary of State is sought to be justified on two grounds. Firstly it is maintained that since our obligations are mainly in sterling, it will be in the best interests of India to be linked with and stabilised in terms of sterling; and secondly it is maintained that, if we go away from 18d. sterling to a lower level, it will create budgetary difficulties for the Government of India. Now, I want my Honourable friends to analyse the reasoning underlying these two propositions. Our obligations in sterling are to the extent of £35 millions. But, I ask, in determining the value of your rupee, are you to be guided only by your sterling obligations? The total value of the foreign trade of India in the year 1929-30 was Rs. 559 crores. Out of this total, the share of the United Kingdom was only Rs. 172½ crores. In other words, while the value of our trade with the United Kingdom is only Rs. 172½ crores, the value of our trade with the other countries of the world is Rs. 386½ crores. Are you going to keep in mind the welfare of this enormous volume of trade which we carry on with the rest of the world, or are you going to regulate your currency policy with a view only to meet your sterling obligations? I submit in the interests of the trade of our country, you must pay greater regard to the volume of trade that this country carries on with the rest of the world. Take again the argument about the budgetary difficulties which might be created.

12 NOON.

My Honourable friend, in answer to a question the other day in this House, said that if exchange was reduced from 1s. 6d. to 1s. 4d. sterling, there would be a deficit of five crores in the Budget. To put it the other way, it comes to this: by having exchange at 1s. 6d. rather than at 1s. 4d. you practically save five crores. Surely if the Government of India save to the extent of five crores by a change amounting to two pence in the exchange value of the rupee, may I ask who pays these five crores? Surely, these five crores do not fall from the heavens. I maintain that ultimately to make this deficit of five crores of rupees, the Indian agriculturist is probably mulcted to the extent of 50 crores. Is budgetary consideration the only consideration to be kept in view in regulating your exchange policy? My Honourable friend the other day, in a sarcastic manner, twitted us for believing in a depreciated rupee, and it has often been thrown at us our face that if 1s. 4d. was beneficial to India, 1s. 2d. must be more beneficial and 1s. must be still more beneficial and so on *reductio ad absurdum*. Can I not turn the table on my Honourable friend and ask if in the Budget at 1s. 6d. means a saving of five crores, 1s. 8d. means a saving of 10 crores, 1s. 10d. means a saving of 15 crores, 2s. means a saving of 20 crores, ultimately with three shillings there should be no taxation in India at all. Surely no student of finance can be frightened away by an argument of that nature. If to-day we believe in the beneficial effect of a depreciated currency, it is because, like other things, this lesson also we have learnt from England. It is because men

like Professor Keynes, and journals like the *Economist* have been singing the praises of a depreciated currency. Professor Keynes wanted the British Government to fix the exchange value of the pound at a lower parity. Professor Keynes and other economists in England have always maintained that the prosperity of France and of Belgium are in a large measure due to the fact that they had depreciated their currency. Soon after the war while France and Belgium depreciated their currency, while other countries depreciated their currency, India was the only example, of a country, which appreciated her currency, and that to-day has landed us in all this mire. These two advantages claimed for the 1s. 6d. are therefore more illusory than real.

But my objections to this present scheme are really more fundamental. I maintain that as a result of the obligation imposed by Ordinance VII of 1931, there is still a danger of the depletion of our gold resources. No doubt my Honourable friend would say they have provided for the rationing of sterling that they will sell sterling only for trade and other legitimate purposes ; in other words, that they have guarded against the speculator coming into the field and putting a strain on the demand for sterling, but I would put it to my Honourable friend that there is a limit beyond which he cannot succeed in that object. The speculator and the man who wants to remit sterling to England for other than legitimate purposes would always get his sterling requirements by purchasing export bills, and the man who wants to meet his import bills will always go to the currency authority, and under the Ordinance demand sterling at 1s. 6d. Where then have you stopped the speculator ? I submit that in spite of all the precautions taken in that Ordinance, the result will be the depletion of our gold reserves as a result of this illusory claim. It is here that I want to say a word about one paragraph of my motion, that if the Government want to persist in their policy, let them not at any rate touch one ounce of our gold reserves. If they persist in carrying out that policy, let them arrange with His Majesty's Government to open long term credits in London at reasonable rates. When I make this proposal, let me not be understood as acquiescing in the policy of the Government of India. But knowing as I do the limitations of the power of this Legislature, knowing as I do that our voice will be like the voice of one crying in the wilderness, I say that for God's sake, if you are going to pursue a policy which we consider to be ruinous to India, do not touch our gold reserves. If my Honourable friend can succeed in persuading His Majesty's Government in spite of all their difficulties in their own home, if he can persuade them to give to the Government of India substantial long term credits at favourable rates, then he will have mitigated to some extent the otherwise evil effects of his policy. I am not prepared to say anything more or anything less on that point.

My fundamental objection to this whole new scheme, therefore, is firstly, that it will deplete our gold resources. Secondly when you begin to examine this question in detail you find that it is again our old friend Imperial preference to England in another manner ; while our rupee is allowed to depreciate in terms of gold and in terms of the other currencies of the world, it has been kept at the same level with regard to sterling, and the result of that will be that the importer of goods from England will have a better advantage over an importer from Japan or any other country. Here again we are having the principle of Imperial

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preference in another manner. Lastly, I come to the most important objection. I said that the rupee has been linked to sterling. What is the ultimate consequence of such a course? The rupee is tied to the charriot wheels of sterling, and in relation to gold it must follow the fortunes of sterling. I do not anticipate that England will for ever remain off the gold standard. It may be that after six months or one year or two years England might think that the time had then come for her to go on a gold standard again, and if such a thing happens in England, we will also automatically go on the gold standard; with what consequence? Every country must restore the gold standard and fix its currency in terms of gold with due regard to the economic condition of that country. But under the present circumstances, irrespective of the economic conditions of India, irrespective of the intrinsic value of our currency, the moment the economic conditions in England become propitious for the linking of sterling to gold, we will automatically be linked to gold. That, I submit, is a danger, the possibilities of which are far-reaching, and the consequences of which I dread to imagine. I hope I have made it clear to my Honourable friends that the Secretary of State has imposed upon this country, and I would say, against the wishes of the Government of India, a scheme which is not in the best economic interests of the country, Mr. President, it is a strange irony of fate that at a time when our delegates in London are discussing constitutional advance, when the representatives of the Indian people are fighting for the political emancipation of this country, the Secretary of State by one stroke of the pen should subject us to an economic slavery which has been unheard of or unthought of even in the melancholy history of India. (Applause.)

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : We are providing the world to-day with the unusual spectacle of the Legislature of a country which is supposed to enjoy a fair measure of self-government, having to content itself with passing a Resolution expressing its condemnation and apprehensions about a policy embarked upon without the least reference to them, a policy greatly detrimental to the vital interests of the country.

Sir, last Monday, my Honourable friend the Finance Member stated to this House that, as Great Britain had decided to go off the gold standard, the Government of India were obliged to suspend the operation of section 5 of the Currency Act, which imposes an obligation on them to sell sterling or gold at their discretion. A few hours later, the Secretary of State announced to the Round Table Conference that in view of the action taken by Great Britain, it had been decided that the rupee should be linked to sterling. Sir, I regard it as a very eloquent commentary on the system of Government under which we live, that a gentleman sitting 5,000 miles away,—and I wish it to be distinctly understood that I am not referring to the present Secretary of State—for whom personally we have respect though not for his political convictions—or any one individual.....

**Mr. B. Das** : I have no respect for him.

**Mr. H. P. Mody** : I say, Sir, that it is an eloquent commentary on the system under which we live that a gentleman sitting 5,000 miles away, whose acquaintance with India has often been confined to what

he has seen of her on the map, who probably has come from the Admiralty or from managing the Duchy of Lancaster, and whose knowledge of economics and finance cannot, in the best of circumstances, be very profound, should by a stroke of the pen be able to lay down and carry out policies which may mean life and death to the vast masses of the population. And, Sir, it has not been the case in the past that these gentlemen ruling our destinies from Whitehall have done the best by this country. The financial muddles of which India has been made the victim in the course of the last 10 or 15 years have contributed in my opinion materially to the very parlous state in which the agriculturist and the industrialist in India finds himself. Therefore, there is not even this justification that a benevolent Providence is looking after us, and that it does not matter whether we are consulted about our own affairs or not.

Sir, I hope that my Honourable friends on the Treasury Benches will realise that an unanswerable case has been made out for those who insist that in the next constitution India should have complete fiscal and financial independence, the complete right to manage or mismanage her own affairs.

My Honourable friend Mr. Chetty has anticipated me in a great many of the things which I wanted to say, but I shall try and avoid the ground which he has covered so ably. I should like to say a few words about the policy which was announced on Monday, and in this connection it is a matter of very considerable regret, a tragedy, that my Honourable friend who was not responsible for the policy which has brought such disasters upon the agricultural population, should not hitherto have seen his way to reverse that policy regardless of consequences. In England, under similar circumstances, a decision has been taken which has far greater implications, which means far more to a country which is the financial capital of the world, than a reversal of the policy could possibly mean to India. When England found that she could no longer maintain the gold standard, she immediately broke off. In India under similar circumstances, my Honourable friend did not find it possible to break away from a policy for which he was not responsible, and which I am sure in his heart of hearts he must have deplored.

There is another point that I wish to make in this connection. During the last few days, from all parts of India criticisms of the announcement made by the Secretary of State have poured in on every one of us here at Simla. Many people have contended—responsible people, responsible commercial bodies, that this was a heaven-sent opportunity of doing away with the ratio and letting the rupee drift for itself. Sir, my Honourable friend the Finance Member has attempted no reply to these arguments. The other day he had the opportunity of placing the House in full possession of the various reasons which have induced the Government of India and the Secretary of State to peg the rupee to sterling. I take it, Sir, that the main object of pegging the rupee to sterling was to ensure the stability of the rupee. What I want to know is—is the rupee any more stable to-day, when linked to a very wobbling sterling, than it would be if left to look after itself? During the last few days, from 4.86 sterling dollar exchange it has come down

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to 3.82, and the rupee to-day is worth 14½d. I want to ask my Honourable friend if he can cast his eyes into the future and hazard a speculation as to what the rupee would have sunk to in these four or five days, if left to take care of itself. The danger of instability has increased in the last day or two. Yesterday we heard that Japan was thinking of going off the gold standard. I do not know how far that rumour is correct. It seemed at any rate to affect exchanges throughout the world. In Liverpool on the receipt of that news something like 43 points dropped off. If Japan is going off the gold standard—and I cannot see how she can keep on to it much longer—and if other countries are going to follow suit, where is the pound sterling going to be and if the pound sterling is going to flop up and down, where is the rupee going to be, and where your stability? That, Sir, is a question which my Honourable friend the Finance Member should answer very fully because India certainly is most anxious to know why it has been found necessary to peg the rupee on to sterling.

There is another question I want to ask my Honourable friend. It is a question which has exercised the minds of people in Bombay particularly—is the rupee really linked to gold or to sterling? It has officially been linked to sterling, but there are two sections in the Currency Act which have not been touched by the Ordinance promulgated by the Government of India, and which may therefore be still said to be in operation. Section 2 of the Currency Act lays down the gold content of the rupee at 8.475 grains of gold. That section has been left unaffected, as also section 5, which the Government of India did away with by Ordinance on Monday and again restored, and which lays an obligation on the Government of India to pay out either gold or sterling. I am not suggesting for a moment that the Government of India could be so mad or so reckless as to pay out gold, but my point is that technically as it stands, you cannot say that the rupee is linked to sterling and has broken away completely from gold. Now the question that intrigues every one of us is, are we linked for all time to the pound sterling, or is this a temporary expedient which appealed to the Government of India and those at home as the best solution of the present difficulties, the best remedy for preventing panic and dislocation of business. I regard that question as of very considerable importance. My Honourable friend Mr. Chetty in his very able speech just now said that his objection was that some day or other England may decide to go back to the gold standard, and under those circumstances India may have to follow suit. My objection goes further than that. I for one cannot conceive of England going back to the gold standard for as far ahead as I can see, but, Sir, it may conceivably be that after the present depression has passed away and something approaching normal times have been restored, the pound sterling may move up in parity with gold. Is the rupee then to move up also and appreciate in value? If that is the case, then I for one must stoutly oppose this present position of the rupee being linked to sterling.

Now, Sir, the great anxiety which the people of India have in connection with these wonderful operations which have gone on during the week is, what is to happen to the gold resources of the country. My Honourable friend Mr. Chetty pointed out one direction in which the

Ordinance for rationing gold could be driven a coach and four through by the simple expedient of a man, who imports bullion, for instance, buying export bills by offering an attractive rate, and, thereby keeping these bills from the banks, and accentuating the exchange position. That is only one of the many ways in which a coach and four can be driven through this Ordinance. I am not denying the utility of the Ordinance. I am only saying that there are many ways in which this Ordinance can be made ineffectual for the purposes for which it has been imposed. What I want then to know is, after the sterling securities are exhausted, and they will be exhausted unless the balance of trade improves materially in favour of India at an early date, what is going to be the position? How are the Government going to prevent a raid on the actual gold resources of the country, and if they are going to permit a raid on the gold reserves, what will be the effect of linking the rupee to sterling, which has at the same time depreciated considerably in terms of gold? The obligation on the Government to pay out gold still remains, and I want to know from my Honourable friend, if and when our sterling securities are exhausted, whether he is going to touch the gold, and if so, at what rate. We were given an assurance the other day that Government were going to arrange credits. I am afraid, while fully appreciating the action of the British Government in giving us an assurance on that point, I cannot be satisfied with the position as it stands. We want to know, Sir, on what terms and conditions these credits are going to be given—whether they are going to be long term credits, and whether any guarantees and conditions will be imposed, which if not altogether impossible might be so onerous that India could not possibly accept them. After all, if you raid your gold resources and if you take credits, it comes to really the same thing, because credits have to be met at the proper time, and it is therefore a matter of great importance that very long term credits should be arranged. What was the experience of England? She arranged credits in Paris and New York. They were short term credits, and when they expired England was much in the same position as she was before. She had merely staved off the evil day, and not her difficulties. Therefore it is very essential that the country should know at the earliest possible moment whether the Government of India are really in a position to arrange long term satisfactory credits. There is just another point I want to make and that is in connection with the policy of the Government of India towards trade and industries. While Government were maintaining the exchange at 1s. 6d., they did so at the expense of India. They could not meet the position in the ordinary way. So they had to bring about a contraction of currency, which had disastrous effects on the trade and industry of the country. How are they going to manage the situation now? To-day we have something like 80 crores of rupees of Treasury Bills outstanding. Before the end of October something like 35 crores of rupees of these Bills have got to be met. Fresh bills would be perhaps at the rate of something like 2 crores a week, whereas the maturities would be at the rate of 7 or 8 crores a week. Then, Sir, the cash balances of the Imperial Bank have gone down to Rs. 12 crores. The question that the commercial community would like to ask is, "How are the Government of India going to manage their ways and means position? Are they going to revive *ad hoc* securities to the extent of say, Rs. 25 crores, or 30 crores? Are they going to expand currency just as they contracted it during all the difficult days through which we have passed?" Sir, the

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various measures that are necessary to be undertaken for the purpose of improving the trade and industry of the country are the measures on which the commercial community would like most definite information.

One other consideration, and that is, that the time has come when the Government of India should take effective steps to consult the Legislature and public opinion in the country on the question of the ratio. There are two schools of thought, one of which holds by stability, and the other is anxious that the rupee should no longer be pegged either to sterling or to gold, but should be left to take care of itself. Both are united in their demand that in no conceivable circumstances should the rupee be allowed to be pegged to anything at an appreciated value. What I want, Sir, is that, if the Government of India have decided upon the present position merely as a temporary expedient, they should declare their policy at the earliest possible date, and should give the Legislature and the country the opportunity of saying what they really want. I must not be understood as criticising my Honourable friend unduly. I join whole-heartedly in the tribute which my Honourable friend, Mr. Shanmukham Chetty, paid to the Finance Member. I think he is a striking example of a good man come unto a bad inheritance. I only hope he will shake off this wretched inheritance which he has derived from his predecessors, and that he will start on a clean, fresh slate. The currency policy of the Government of India has an enormous bearing on the fortunes of India ; and I urge my Honourable friend to reconsider the whole position, come to the Assembly and the public, and set about finding out ways and means of putting our currency on a sound basis, where it can serve the purpose for which it really exists. Sir, in these last few years, in the disastrous attempt to maintain the ratio, the agricultural population has suffered enormously ; and if the prosperity of India is to be restored, it can only be restored on a sound currency and exchange policy. We may get the largest measure of self-government that we may be demanding, but it will all be an empty shell, unless the position of India is made financially strong. The India of the future will require enormous resources to finance all the starving social services, and the various other things that go to make up a modern State, and unless the Government of India regard it as their solemn and bounden duty to promote and protect industries of the country, and the interests of the vast mass of the agricultural population, the boon of self-government will be worth nothing at all. And I hope my Honourable friend—whose heart, if I may say so without impertinence, is in the right place,—will regard it as his solemn duty to come forward and take the public into his confidence and consult them as to how their destinies are to be ruled hereafter in matters of such vital importance.

**Mr. J. Ramsay Scott** (United Provinces : European) : Sir, the motion which has just been proposed is tantamount to a vote of censure on the Government and can only add to Government's difficulties. (*An Honourable Member* ! " England's " difficulties !)

I, and many on the other side of the House, have in the past been anxious that, in the best interests of India, the ratio should be 1s. 4d., but I feel that this is not the right moment to press these claims and at such a time as the present it would be sheer madness to swop horses when crossing the stream.

We should be very loath to add to the already heavy burden of the Finance Member and the only way to play the game for the general good of the Indian Empire is to forget petty private considerations and to come forward with a constructive policy avoiding destructive criticism as much as possible. (Hear, hear.)

This is not the first time in the history of the world that a country has passed through financial difficulties. You all know the story of Pharaoh, the Egyptian, and how Joseph revealed his dream to him, predicting seven years of plenty to be followed by seven lean years. Joseph commanded that in the years of plenty, provision should be made for the time of famine. Many a Joseph in this Assembly has urged on Government the conservation of resources and vainly tried to prevent the frittering away of money on wild-cat schemes. Eighteen months ago, we of the European Group, took the Government to task and suggested that the word Retrenchment now only too well known, should be a feature of the Budget. The Government, however, went on its spendthrift way, and the sword of retrenchment has now to be wielded with a heavy hand, cutting down superfluous activities and slicing of the pay of Government officials. But this is not the moment for recriminations. We must trust our Government at a time like the present. The Finance Member has shown great wisdom in preventing speculators and profiteers from juggling with exchange. (Applause.) The *bonâ fide* trader will be free to carry on his normal business without let or hindrance. For some time past, the rest of India has felt that they were being exploited for the pecuniary benefit of a small community in Bombay and Ahmedabad ; (*Some Honourable Members* : " Question.") and I maintain that the whole of the North of India and Bengal wish that this small clique should be sternly discouraged from attempting to profit from the temporary troubles of the Indian Empire. I understand that over 40 crores have been transferred to England in fact I believe it is nearer 50—in the hope that it can be brought back at a profit !

The present financial situation has practically placed India on a 1s. 4d. basis with every country except Great Britain. This will help the agriculturist and the exporter. Prices of grain, jute, cotton and other commodities should rise and have already risen. Let us hope that the benefit of this rise in price will actually be felt by the poverty stricken ryot and *not only* by the exporter.

The Indian Government's commitments are in Sterling and it is very important for this reason, alone that the rupee should not be divorced from sterling. An expert on Exchange, a recent Member of this Assembly, bearing an honoured name in the financial world of Bombay is reported to have just said :

" There has been a great deal of wild talk going round and the suggestion made that linking the rupee to sterling is a form of granting imperial preference by the backdoor is laughable to say the least of it. Whether the rupee is fixed at 1s. 6d. gold or 1s. 4d. gold or 1s. gold while sterling is at a discount the sterling rate would always be higher than the gold rate. This not only applies to trade between India and Great Britain but to Great Britain's relations with all the world. So if it is to be held that the drop in sterling gives imperial preference to Great Britain by India it could equally be held that the same imperial preference is being granted to Britain by the United States."

The remarks just quoted were made by Sir Victor Sassoon.

British politicians of all parties have sunk their differences and members have come together in a serious endeavour to balance the Budget and



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keep the finances of the Empire on a sound basis. If all the parties in the Indian Legislature would for once compose their disagreements and support the Government, the Finance Member would have fewer difficulties in finding means to balance the Indian Budget, for balanced it must be. The rupee cannot be allowed to find its own level as if left to itself, while India is in the throes of internal strife it might sink to undreamt of levels and involve India in financial disaster ! Sir, we much appreciate the Prime Minister's offer of help and in a moment like this I turn to Robby Burns as a Muhammadan would to Hafiz, and I find :

" The hearts aye the part aye that makes us right or wrong."

Sir, the British heart is in the right place, and I would bid the Finance Member be of good cheer for if we all pull together we shall weather the storm. The European Group and the European mercantile community offer you their good wishes and what is more to the point, their whole-hearted support and co-operation and I feel sure that my Indian friends will be no less generous. Sir, I oppose the motion.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, my Honourable friend, Mr. Scott, who has just spoken, is perfectly right in saying that the present motion is a motion of censure. But in one way I differ from him when I say that it is really more than a vote of censure. The action taken by the Secretary of State has produced a great consternation and feeling of disappointment and resentment in the mind of every person interested in Indian finance. There were many people, including men like myself, who believed that financial safeguards may be given to the British Government in the future constitution of India in the ground that the payment of our liabilities to England may be guaranteed. But the action taken by the Secretary of State has clearly shown that such a power is impossible for India to give, and if in the future constitution this power is not reserved in the hands of the Federal Assembly, I have no hesitation in saying that that Federal Assembly will be no better than a debating society. Sir, I was told by some Magistrates that the first police report is always an important one and that the second report may be made under the influence of threats or expediency. We find just the same thing in connection with the two Ordinances. The first Ordinance which was promulgated on Monday last really expressed the true opinion of the Government of India in regard to Indian finance, and it received the approbation of the people of India and the Members of the Legislature. But the change which was made under the pressure of the Secretary of State altogether changed the position. Sir, in 1909 a similar position arose and the then Finance Member did not acquiesce tamely, but requested the Secretary of State to reconsider the situation. The question was about the Gold Standard Reserve. The Government of India renewed their appeal to the Secretary of State in these words :

" The Gold Standard Reserve is the recognised fulcrum of our whole currency system ; and its strength is of vital importance both to Government and to the merchants, capitalists, and investors who are associated with us in the development of India."

These were the remarks of the Government of India in 1909. They considered the Gold Standard Reserve as the fulcrum of Indian finance. This thing was again recommended very strongly by the Hilton-Young Commission and that Commission, practically foreseeing a situation which has

arisen just now, recommended that the Government of India should cease to be the currency authority and the authority should be transferred practically to the Central Bank. I will just quote the words of the Hilton-Young Commission on this particular point. They said :

“ Any balances of the Government of India and the Secretary of State outside India should be placed in the charge of the Reserve Bank, through its branches or agencies. Only then will any danger of the Government's remittance policy interfering with the proper management of the currency be eliminated. We recognise that this recommendation involves the amendment of section 23 of the Government of India Act. We recommend that such an amendment should be made.”

This Report was made in 1926, and since then no action has been taken by the Government of India to give effect to the recommendation. Sir, I will give one more quotation from this Report about the necessity of keeping up the gold reserve. They said :

“ No favourable opportunity of fortifying the gold holding in the Reserve should be allowed to escape.”

In the same paragraph they said that the gold reserve, which was 12.8 per cent. at that time, should be increased to 25 per cent. This was the recommendation of the last Commission appointed by the Government of India, but we are sorry to say that no action was ever taken to safeguard our gold, which is so important for the credit of the country.

Now, Sir, I come to some of the difficulties of the recent Ordinance now promulgated. It is said in this Ordinance that :

“ The sale of gold or sterling under the said section shall be made provided that the contracts are completed before the 21st September, 1931.”

I should like to know how much gold has been sent away under this particular clause. I hope that the Honourable the Finance Member will be able in his reply to give the figures of the amount of gold that has been taken out of our Reserve only on account of the provision of this particular clause. The second loophole in the present Ordinance is that a large number of people will buy export Bills in terms of sterling, and the import Bills will have to be paid by the reverse councils, i.e., in terms of gold. This is a very big loophole, and this is not an affair of academic interest, but the mercantile communities all over India have got the same apprehension. I have received a large number of telegrams from different places about this particular point and I do not wish to take up the time of the House by reading them all, but I should like to quote at least one in support of this point. The Indian Chamber of Commerce, Calcutta, says :

“ Committee, Indian Chamber of Commerce, Calcutta, surprised at change of attitude adopted by Government regarding exchange position. *Sir George Schuster on Monday stressed necessity of maintaining reserves.* But now suddenly that desirable policy is changed and fresh Ordinance is issued authorising sales reverse councils which will deplete reserves. Safeguards provided not of much value, firstly, because they leave sufficient loopholes for remittance by non-Indians, and secondly, because those who want to remit funds can ship goods or buy export bills available in market thus leaving import bills to be provided for by reverse councils. High bank rate besides being detrimental to agriculture, trade and industry, has depressed Government securities market, thereby seriously prejudicing innumerable holders thereof, including banks and insurance companies. Commodity prices still very low and all impediments in way of their rise should be removed. Committee think that when even England has adopted a bold and correct policy to right its position by currency depreciation to suit its own condition, no plausible arguments can now be advanced to continue to keep India as a subsidiary and servile companion instead of allowing her to protect her best interests. Country's interests imperatively require maintenance of reserves and lowering of bank rate. Issue of fresh currency to undo the effects of past heavy contractions should be

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made whenever necessary to prevent any comparative rise of exchange which may be indicated by the rupee sterling point."

This is a genuine fear which the whole mercantile community have before them. Sir, I do not want to take up much time in discussing the question of the ratio. I said enough on the occasion of the Finance Bill last winter, but I may draw the attention of the House to one or two points. When this question was considered in 1927, Sir Basil Blackett, the then Finance Member, said that the fixation of the ratio was not a permanent feature, but it was only a temporary measure. If it was only a temporary measure, I would like to know what more serious occasion would arise when this ratio would be modified. There cannot be any occasion more serious and more critical than the occasion that has now arisen. Sir, a good many Members on this side of the House thought that this exchange of 1s. 6d. was detrimental to the export trade of India and particularly of the agricultural products, and if this ratio is linked up with sterling whose value we do not know, it is in my opinion a suicidal policy and the weight of the Hilton-Young's Commission is on my side. The moment it was announced that we were linked up in this way, the value of the rupee has gone down. I need not give you the figures. The gilder of Java had stood at 89.9 for Rs. 100 last week and they have now come down to 68 for Rs. 100. The American dollar was 100 for Rs. 287 last week and it is now Rs. 380 for 100 dollars. The same is the case in regard to the exchange of the other countries and naturally, as was pointed out by the Mover of the motion, our trade with outside countries being three times that with Great Britain, our trade will be seriously affected on account of the depreciation of the rupee, as a result of its being linked to a sinking ship.

Sir, one thing more I should like to point out. If we read the Currency Act, it clearly provides that the linking of the rupee should be with gold sterling and not with paper sterling and sub-section 2 of section 5 of the Currency Act clearly says :

"Such sum in sterling as is required to purchase one tola of fine gold in London at the rate at which the Bank of England is bound by law to give sterling in exchange for gold."

If this law disappears and if the Bank of England is not bound to pay gold equivalent to sterling, then is it at all desirable or is it at all legal or is it at all right that we still continue to tag our rupee in terms of sterling when it is off gold? I am not an expert lawyer, but I hope those lawyer friends who follow me will consider this point. When we tagged our rupee with sterling we fixed a condition precedent that England was obliged to give so much gold for so many rupees and as England has now washed off its responsibility of paying gold in terms of rupees, is it lawful for us still to continue to tag our rupee with sterling? The third difficulty which I have in the present Ordinance is that in the list of the banks quoted by the Honourable the Finance Member, the important Indian banks are excluded, like the People's Bank or the Punjab National Bank and other banks in the various parts of India. They are excluded and they are thus debarred from having any kind of negotiations in sterling. Sir, the financial position or the credit of a country depends upon two factors, one the balance of trade in favour of the country and the other, the balanced Budget. If the country is safe in these two things, then it can be safely left to its own resources to find its own

solution. Now, as regards balance of trade, the figures given by the Honourable the Mover show that the balance of trade has always been in our favour. As regards the balanced Budget, there is no doubt that we have deficits. The non-official Members will always come forward to help the Government in critical times. But before they can agree to any kind of fresh taxation, they would like to know whether all the avenues of retrenchment have been exhausted by Government before they come to the country for fresh taxation. My Honourable friend is not right in forcing the Finance Bill at this hour upon the country before making a definite announcement that he has carried out all the retrenchments in the different Departments of the Government as recommended by the various Retrenchment Committees. I should like to know how much retrenchment he has already effected and then and then alone will be able to judge how much more money is required in adjusting the Budget. There is a very strong feeling in the country that the first thing which should be removed is what is called the Lee concessions, or what is popularly known as the Lee loot. I should like to know whether the Honourable the Finance Member is prepared to remove the Lee concessions altogether, whether he is prepared to carry out the recommendations of the various Retrenchment Committees. If after carrying out all these retrenchments, after cutting down the expenditure, the Finance Member comes to us and says, "I have done all I could, I cannot do any more, you please help me and give me some more money", I am sure that he will have the unanimous support of the Assembly, and the unanimous approval of the country. But if without taking any action on his part, without retrenching anything, without giving effect to the recommendations of the Retrenchment Committees, he simply comes up at the last moment, and at a time when the representatives of the people are away, not having had any previous notice, such an action would be unfair. He may carry his proposals, but he will produce enormous consternation and enormous resentment in the country. I said before that we sympathise with the wishes of the members on the treasury benches in

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their desire to maintain order and peace in the country and we are ready to give them our support. Similarly I request that the Assembly and the country will support the Government in their desire to maintain the credit of India. Still the methods they adopt in achieving their ends are open to grave doubts. Instead of having our fullest possible support, they are driving us to a position of opposition, and I think that shows bankruptcy of intellect.

I should like to draw the attention of the Honourable the Finance Member to one more point, that on account of the happenings of this week, I have received letters from small towns and villages that panic has already been created. Currency notes are not cashed in the markets and the people refuse to take them, but want coins; and I think in order to avoid such a panic in the country, which has arisen on account of the wrong actions and change of policy and wrong dictatorship from above, it is desirable to allay it. That panic can only be removed if, as pointed out by the Mover of this motion, we really inflate our currency and not contract it: we must put more money and more coins in circulation and I hope this temporary panic will be removed.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the Resolution moved by my Honourable friend, Mr. Chetty, the Deputy President.

The Resolution is divided into several parts and embraces a number of points, very important in themselves. I shall try to confine myself to one or two of them only.

By the memorable announcement in Parliament the Right Honourable the late Edwin Montagu, declared that India would be given responsibility by successive stages, and in furtherance of that policy a Bill was passed in the British Parliament in 1919. Under that Bill diarchy was established in the provinces, but no substantial advance was made in the Central Government. The number of Indian Executive Councillors was raised to three, and the majority in the Assembly was that of elected members. This was no doubt an advance. But the executive was not made responsible to the Legislature. The Executive Council continued to govern under the old system and it has been very autocratic. But the Joint Select Committee thought it desirable that the Legislative Assembly ought to be associated more and more in sharing the responsibility about financial matters. Up to the days of the reforms the whole centre of authority was in Whitehall. By the new Government of India Act, some powers were transferred to Delhi and more to provincial capitals. It is evident that India will progress politically as further powers are transferred from London to Delhi. And on the degree and rate of this transference the advance of India really depends.

In their memorable Report called the Montagu-Chelmsford Report, a description of how this transference of power is to be achieved is given by what is called the "fiscal convention". I shall read a few lines from the Simon Report about the convention :

"The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial Governments. In the relations of the Secretary of State with the Governor General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement. This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt....."

*(And I am very sorry to say that that belief exists even now.)*

"That there ought to be no room for it in the future is equally clear. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and the Legislature are in agreement, and they think that this intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

This convention has been in operation, and even the Simon Commission have not recommended its withdrawal.

Now, let us see what has happened in the present case. The Government of Great Britain had taken very great pride on the soundness of their policy of linking sterling with gold, and thus its value was raised in the markets of the world. Many financiers expressed their doubts as to the propriety of the step then taken. For a time the credit of England rose very high, but at what sacrifice ? The hoarded gold of England began to fly and ultimately the National Government came to the decision that unless they reversed their policy and severed the sterling from its gold value they would be faced with bankruptcy, because all the hoarded gold would go away and then there would be nothing to rely upon. By hurriedly rushing a Bill through both Houses of Parliament, England at once depreciated her currency. The Government of India had previously linked their rupee to gold and under law were bound to give either gold or sterling exchange to whoever demanded it.

I pay my tribute to the sagacity of the Government of India in general and to that of the Honourable the Finance Member in particular that they at once saw the danger and took prompt measures to avert it by issuing the Ordinance on Monday, the 21st. The views of the Government of India have been thus unequivocally expressed. The duty of the new Secretary of State was either to accept the policy which was evidently adopted by the Government of India in the interests of India or if he did not agree with that policy to ask the Government of India to consult the Legislative Assembly. For such a purpose a special session of the Assembly would be justified ; but there was no necessity at the present juncture to convene a special session. The Assembly was already in session and it would have given its verdict in a very short time, I think in a couple of days. But the Secretary of State anticipated that the Assembly was certain to support the views of the Government of India and thus the Fiscal Convention would have to be brought into operation. In order to avoid this contingency he has taken the arbitrary step of over-ruling the Government of India and ignoring the Legislative Assembly altogether. This arbitrary and despotic conduct deserves our severe condemnation, and I cannot find words sufficiently strong to express my resentment at this disrespect to the Assembly. By starting the Fiscal Convention the late Mr. Montagu and the British Government gave us a promise that Indian finances would be managed in future with the sole eye to the benefit and advancement of India and the Government of India and the Legislature were appointed the judges to decide what course was in the real interest of India. The Secretary of State by this present order has broken that promise and taken upon himself to decide what is good for India and has ignored the Legislative Assembly as I have said just now. The Ordinance of the 24th does not really express the opinion of the Government of India as they had to obey the orders from Whitehall. Their first Ordinance of Monday last embodies their true opinion and if that opinion is supported now by this Assembly by their vote, their verdict under the Fiscal Convention ought to prevail.

I am conscious that an objection might be taken that in the case of exchange the Fiscal Convention does not operate and that its operation is limited to tariff and revenue matters only. My reply is that the

[Mr. B. V. Jadhav.]

convention is not restricted in this way and it relates to every fiscal matter. In the Report of the Joint Select Committee the instance of tariff has been given by way of an illustration and it is not exhaustive at all. I hold that the convention ought to be observed in every fiscal matter and the word "fiscal" is explained in the dictionary as "of or pertaining to financial matters generally". As has been pointed out, the action under the Ordinance will, I am afraid, result in completely depleting our gold reserves and then Government will be forced to withdraw the present Ordinance. Our demand is that it should be withdrawn immediately as according to the joint opinion of this House and that of the Government of India it is not safe to tender gold or gold exchange in order to keep up a fictitious rate of exchange at 18d. The whole monetary system of the world is in the melting pot and every attempt made to bolster up prices whether in America or in England have completely failed. The Farm Board of America attempted to raise the price of cotton and wheat and we know with what disastrous results. They had to stop their operations and to allow things to drift for themselves. The present policy of the Government of Great Britain to keep the ratio between the rupee and sterling at 18d. is, I am afraid, of the same nature and is doomed to failure. The attempt of the Secretary of State to keep up the exchange at 18d. and to sacrifice gold in keeping it up will, I apprehend, be very costly to India, and sooner or later the ordinance will have to be withdrawn. We advise Government to realise the gravity of the situation and to save India her slender gold resources.

**Mr. Arthur Moore :** I should like to congratulate the Honourable the Mover of this Resolution on the extremely lucid speech which I think, whatever our views, must have roused the admiration of us all, and before going into points of disagreement, I should like to examine the points on which I think there is a certain measure of agreement. First of all about this question of long term credits. I do not think that, if the Honourable the Finance Member can succeed in arranging long term credits any one of us can be anything but pleased. I am afraid that in such a strictly business matter the Resolution of this Assembly or of any legislative body cannot possibly be the deciding factor, but at the same time as we already have the very valuable pledge not only of the previous Labour Government but also of the present National Government to support India's credit in case of need. I think we can all feel sure that the obligation will be honoured in full and in spirit to whatever extent may at any time be necessary. Another point is with regard to the method in which this news reached India. I strongly agree with Mr. Chetty that the Honourable the Finance Member is and ought to be at least as good a judge of the necessities of the financial situation for India as any Secretary of State for India in London can possibly be and I do feel that it was regrettable that the Secretary of State should have made or be in a position to make on Monday morning in the Federal Structure Sub-Committee an announcement which apparently the Government of India was not at that time in a position to make in this Assembly. Therefore, in so far as the Resolution refers to the Government of India, in that regard we feel some sympathy with it. But I am bound to say that when it comes to analysing the decision that was taken by the Secretary of State and the Finance Member, and the answer that has now been given to the question as to what was to happen

to the rupee, I find myself entirely in agreement with the decision taken, and I do not read it in the same way as the Honourable Member. He has suggested that there was a glaring contradiction between the two Ordinances, that the one was a revocation of the other. As I read it, Sir, on Monday morning, necessarily when the banks were opened on a business day, the Government of India had to relieve themselves at the earliest possible moment of the obligation under the Ratio Act of 1927 to sell either gold or sterling. Otherwise, they might have been faced with an enormous panic demand for sterling. That left them in a position to proceed, after they had elaborated their further measures for the control of the sale of sterling, to terminate the first Ordinance and supplement or replace it by an Ordinance directed towards the limitation of the sales of sterling. And when it comes to examining this limitation of the sale of sterling, I must say that I feel that Mr. Chetty did the subject less than justice. His speech in fact was so lucid that it had the defect of its qualities, because it was quite impossible to conceal the fact that it contained a series of contradictions. I will mention one or two with regard to the sale of gold. I understood him to complain at one time that what was sauce for the goose was not sauce for the gander. He said that the Government of England had, in its wisdom, decided to go off the gold standard, but India had not been allowed to do so. Well, we know that India has been allowed to do so. That is exactly what has happened; and I understand the real point of his Resolution is to suggest that it is not enough to let it go off the gold standard, but that it must also be allowed to go off the sterling standard. And yet in the latter part of his speech he was again complaining that while the Government of India in 1927 had undertaken the solemn obligation of maintaining the rupee at a certain gold parity it did so no longer, and he asked where is that obligation to-day. Surely the Honourable Member must admit, that the obligation is gone, and that that is what he wants. But I did not detect any admission of pleasure; in fact the burden of his speech was very largely an old story. He gave us very closely and elaborately the history of the last five years, but we heard very little about either the present or the future situation. Now in dealing with the last five years, or to go even further back, I have always been in agreement with the Honourable Member that the initial error was due to our common friend, Mr. Winston Churchill, who in 1925, I think prematurely, brought England back to the gold standard, acting under the advice of bankers rather than of industrialists. The bankers of those days were still completely enamoured of gold, and they did not realize that the accumulation of international indebtedness during the war, combined with the tremendous modern rise of tariffs to prevent the interchange of goods, created an entirely new problem such as the world had never seen, and that the gold standard might not be able to cope with it at all. They have unfortunately been forced to learn a great deal during the last seven years, and their point of view is beginning to approximate much more closely to that of the trader and the industrialist. But we have reached the stage where the world is being forced off the gold standard by the accumulation of debt which is owed to America and by the drain of gold to America and France. England has been forced to come to an entirely new position. Now, in that position, I understand my Honourable friend would like to seize the opportunity, not only to let the rupee move downwards gradually with sterling, but also to cut loose from sterling altogether and let it take its course. Well, I do not believe that it is any good disguising to ourselves that taking into consideration, the



[Mr. Arthur Moore.]

fact of the civil disobedience movement, the economics which Mr. Gandhi preaches, the suggestion which overhangs the Round Table Conference that India wants, and will be content with nothing except, to cut loose from the British Empire, and that she wants to have no financial safeguards, and also the declaration which has already been made by Mr. Gandhi in London that he and the Congress Party do not stand by this policy of linking the rupee to sterling,—taking all these facts into consideration,—there is not that confidence in the rupee that there was, and indeed there is not the confidence in the rupee that there is in the pound. If the pound has gone off the gold basis and stands in a lower ratio to gold, we all know that in the existing circumstances the fall of the rupee would be far faster and far steeper. We do know that,—whatever may be the final result when you come to the end of a period of fall and when after an immense upheaval you recover a stable price level,—in that intervening period thousands and thousands of people will be ruined. We know that the fall of the rupee by a sharp descent is bound to involve this country in disaster.

The immediate effect of the present fall has been what Honourable Members opposite always predicted would come from a fall, and what as a matter of fact everybody knew would come of a fall. It has stimulated the export of produce, and we are a witness already to a beneficial rise in prices both in India and in England and right throughout what you may call the sterling world. In America already we see that there is a drop in prices. The situation in America from the trading point of view has been aggravated in the last few days. But we must remember that when one country's currency begins to sink in terms of another country's currency, the inevitable result is that the prices in the first country tend to rise and the prices in the outside country tend to fall; so that ultimately,—and I think it is very important to remember this word “ultimately” because the lag is very great and the intervening period very long and very irksome,—ultimately when prices outside have come down sufficiently and the prices inside have risen sufficiently, you are able to get back to some kind of stability again. But in the meantime what it means and must mean is that the country with a falling currency has to pay more either in goods, or services or in gold in order to settle its external obligations. The producer and the exporter benefit and the foreign buyer benefits. Between them they split that profit, but the whole of that profit which accrues to them must be borne by the rest of the population in the country with the falling currency. I do not think there is any escape from that, and that means that the limits to the extent to which a fall in currency is profitable to you are obvious. But if your currency begins to sink with no apparent means of checking it, because your credit in the world is going, then there are no limits to the disaster that may overtake you. I do feel, Sir, that we are in for a very heavy and long period of world economic crisis. I agree strongly with my friend, Mr. Mody, when he said that he saw nothing in the future to suggest any particular time at which England could return to a gold standard. I feel that the gold standard may be in the present situation of the world a vanishing dream, and in a sense we have already embarked on the next world war, which is an economic war, but which will, in one country or another almost certainly be punctuated by revolutions. In that world situation I believe that Great Britain is to-day the most stable country that exists, and is in the most hopeful situation to confront these critical times

ahead. I believe that India at the present moment, through what has happened in the last week, is actually enjoying an enormous advantage. She has got the benefits already of a 1s. 2d. rupee in gold, and the prices of her agricultural produce will rise and trade will improve. But at the same time, by a totally unexpected piece of good fortune, she will not have to pay any more for her sterling commitments.

**Mr. H. P. Mody :** Only if Government can buy sterling in the open market and not otherwise.

**Mr. Arthur Moore :** Government will buy its exchange under the new rules. Government will get exchange at 1s. 6d. and not pay more. If you were to adopt the suggestion of my Honourable friend and merely repeal both the obligation to sell gold and sterling then the position of Government would gradually come to be extremely acute. But we are confronted with the tremendous problem of the accumulation of debts and the drift of the money of the world to certain countries which themselves are not willing to realise that money by coming as free buyers in foreign countries. We are faced with a long period of crisis in which the ultimate interests of Great Britain and India are absolutely inseparable. If they stand together they will stand ; but if they were to adopt this policy of separating their credit and separating their resources, then they would contribute not only to their own downfall, but to a possible disaster to the whole basis of our international finance.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Leader of the European Group who has just concluded his speech has spoken with his characteristic optimism and invited us to have a little patience and to submit to the linking of the rupee to the pound because " England is the most stable country in the world " and it would be to India's advantage that the rupee should be linked with the pound. Sir, England considered that she was the most stable country in the world when she returned to the gold standard. The Honourable gentleman was pleased to take us back to the time, I think he said 1925, when the gold standard was again adopted by England, forgetting the controversy that raged at the time as to England's stability to return to that standard.

The Honourable gentleman further told us that gold standard was accepted because unfortunately the bankers of England did not have adequate experience, did not have the experience they have had for the last 7 years. That, I believe, is what the Honourable gentleman said. But if the Honourable the Leader of the European Group had followed the controversy that was going on in England in those days, he would have found that there was a great deal of dispute, a great deal of misapprehension about embarking on the gold standard. He would have recognised that this misapprehension was shared not only by Honourable Members of the Opposition, including Mr. Snowden himself, because, as I shall presently show, in the House of Commons an amendment was moved to the motion of the Conservative Party saying that gold standard should not be embarked upon with that precipitancy. It was also shared by great financiers like Sir Alfred Mond, who protested against England being " hanged " on what he called " a cross of gold ".

Sir, there were also grave doubts in important industrial circles. In spite of all that, the Conservative Party, led by that admirable man,

[Mr. C. S. Ranga Iyer.]

Mr. Winston Churchill, admirable notwithstanding his hostility to Indian aspirations, admirable for his precipitancy, did embark, on the 28th of April, 1925,—following the City as he always did, following the big financial groups as he always did—precipitantly on the gold standard when he presented the Budget. Sir, had England not been so hasty, I do not think England would be repenting to-day. Sir, in the House of Commons at that time, Mr. Snowden, moved the following amendment to the Government Resolution committing the country to the gold standard :

“ The House cannot at present assent to the second reading of a Bill which, by providing for a return to the gold standard *with undue precipitancy*, may aggravate the existing grave condition of unemployment and trade depression.”

Sir, there are tragedies in politics and there is no greater tragedy than that in a position of responsibility when called to office, and taking into consideration all the circumstances that a patriot ought to consider, Mr. Snowden has to-day to face what, if left to himself had he been in power in 1925, perhaps England might not have had to face. Even so, my Honourable friend, the Finance Member, has to-day to reap the whirlwind ; the wind was sown by his predecessor when he introduced the eighteen pence ratio.

Sir, the Honourable the Leader of the European Group was telling us that India would very well be advised in the present circumstances to depend on England and to perpetuate what I may call *the slavery of the rupee to the pound*. That, Sir, is my paraphrase of linking the rupee to the pound. Politically and constitutionally we are aware we are dependent on England, but financially we would rather stand by the first ordinance than the second. Oftentimes in politics and in ordinary life, first thoughts are the best thoughts and I think, Sir, we would rather stand by the first ordinance than the second which seems more or less to be his master's voice, (Laughter.) the voice, Sir, of Sir Samuel Hoare, the Secretary of State for India.

The second ordinance is the result, beyond the least shadow of a doubt, of, what Lord Curzon once said in a controversy with the late Edwin Montagu, the Government of India being “ a subordinate branch ” of the Imperial Administration. Sir, I am glad that the late Lord Curzon corrected his original expression. His original expression was that the Governor General was a subordinate of the Imperial Administration ; on hearing which there was such an uproar in this country ; and so he said he meant that the Government of India was a subordinate of the Imperial Administration. That was a much better way of putting things. And we are sure that had the statesman who presides over the destinies of India to-day had his own way, the first ordinance would have continued and not the second. The second at any rate cannot stand, Sir, with the support of the Indian people behind it, notwithstanding all the logic that the brilliant editor of the *Statesman* has brought to play in his beautiful speech.

Sir, he was warning Mr. Chetty, he was warning the able mover of this Resolution, who moved it with his usual force of reasoning and lustre of eloquence and to which he has devoted so much of his energy and so much of his thought, in a speech which did the subject a great

deal of justice, judging from the applause that came from both sides of the House, including the applause of the Honourable the Finance Member who applauded him to the last. Sir, Mr. Chetty was told by Mr. Moore that he need not be frightened of the divorce of the rupee from sterling. That is where Mr. Arthur Moore and Members on this side of the House are in disagreement. Mr. Moore not being very much of an expert—though I know from the writings that he indulges in in these days in the columns of the *Statesman* that he has been giving a good deal of attention to the subject—we have to consult a better authority than Mr. Moore and that authority is none other than the Royal Commission on Indian Currency and Finance—The Hilton-Young Commission. And what does this Commission say? This Commission says—as against what Mr. Arthur Moore has been pleased to favour us with—this Commission emphatically states exactly the opposite of what the Secretary of State has said and should not have said, and as between Sir Samuel Hoare, a remarkable politician, a distinguished man having, I think, a great future in his country, as between him and this Commission, I think this House as well as experts in England will attach importance to the opinion not so much of a Secretary of State, however zealous and however able, but to a competent body of experts who have had their say on the subject and this is what they said. I invite the attention of the Honourable the Finance Member to paragraph 25 of this Report. I am sure he knows most of these important things almost by heart. (Laughter.) This Report says :

“ We do not indeed regard the possibility of sterling again becoming divorced from gold as of much practical likelihood.”

But they were very bad prophets, though perhaps they were not unprepared for a remote crisis like this as the subsequent passages presently show :

“ It is unlikely to happen except in a world-wide catastrophe that would upset all currency systems. Nevertheless there is here a danger to be guarded against which is real, however remote. There is undoubted disadvantage for India in dependance on the currency of a single country, however *stable* and fairly linked to gold.”

And as there is no more of that linking to gold to-day, we need not be reminded of the stability of England. We are all conscious of the present State of England and want that England should be stable because India's finances are a great deal dependent on England's credit, but England unfortunately is not so stable to-day as very much we would like her to be :

“ There is no doubt disadvantage for India in dependance on the currency of a single country, however stable and fairly linked to gold. For these reasons were the standard of India to be an exchange standard, it should undoubtedly be a gold exchange standard and not a sterling exchange standard.” (Applause.)

That is not my opinion, that is opinion of an authority to whom even Mr. Moore must submit. That is something more than my opinion, the opinion of a layman.

**Mr. Arthur Moore :** Do I understand that the Honourable Member wants a gold exchange standard ?

**Mr. C. S. Ranga Iyer :** We do not want anything different from what I have just quoted. We do not want a sterling exchange standard. We want release from the bondage to sterling. That is the long and the short of what we want.

[Mr. C. S. Ranga Iyer.]

We have been told by the Honourable the Leader of the European Group that there is such a thing as trade with England. Quite true. But India trades not only with England, India trades with Holland ; India trades with America ; India trades with Japan ; India trades with Germany and India trades with France. Why should we not be dependent as much on the guilders of Holland or the franc of France or the dollar of the United States of America or the mark of Germany ? What we want is a place under the sun in this financial world. (Applause.)

Politics and big politics are being discussed in England ; we would rather try to avoid so far as we may the introduction of politics into this debate, because where politics create controversies, financial matters, especially when the Government and the people have the common good of the country at heart, should create the least controversy ; and on this side of the House our effort has been on these occasions to keep the debate at as reasonable and less heated a level as possible. But I wish that the Honourable the Leader of the European Group had not imported politics into this debate.....

Mr. B. Das : And bad politics at that.

Mr. C. S. Ranga Iyer : And I wish he had not referred to the civil disobedience movement and Mahatma Gandhi. We are not to-day in the middle of the civil disobedience movement, and I cannot understand why a talented gentleman like the leader of the European Group, why such a responsible man should come and lecture to us of the civil disobedience movement. Our very presence here is a dissociation from the civil disobedience movement—that was. Even our polling booths were picketed. Surely the Honourable gentleman ought to have known better. (Hear, hear.)

As for the future of Gandhi, which he seems to view with a great deal of trepidation, I believe the future of Mahatmas, like the future of politics, must always be left on the lap of the gods. I would rather not go into the future to-day because I fear no future, however unpleasant it may be ; and the actual experience of calamity is always less fearful than a prospective view of it. Therefore I will put it to the Honourable gentleman not to think of civil disobedience when civil disobedience is not in existence to-day ; and not to talk of Gandhi in terms of civil disobedience, but rather of the constructive work that he is attempting to do in England as we all sincerely believe.

Then he was referring to the Congress Party and the Congress view ; and because the Congress and we happen to be in agreement in regard to the linking of the rupee to the pound, that is no reason why we should be in the wrong. Why should we be always warned, I cannot understand, " The Congress thinks so and therefore you must not think so ". The very fact that the sole delegate of the Congress was carrying on long conversations in the Viceroy's House, dressed in a loin cloth and feeding in the vessel in which he fed in his own prison cell, ought to show that the Congress has been much elevated from the level in which the Honourable Member would like to see it still. But I would rather leave politics alone and but for provocation I would not have touched it at all to-day.

Then he was saying that the rupee would be in greater disaster if released from the pound than affairs in England are. I am afraid his long separation from his mother country has made him rather indifferent to the things that are going on in England. Affairs in England are pretty bad, and if only he reads the manifesto issued by His Majesty's Opposition, yesterday His Majesty's Government, he will understand that things are far from good ; things to-day are as bad as one can wish they were not so. His Majesty's Opposition think that the present situation has been created—they have stated it in their manifesto—by a group of financiers and banking interests, because those interests are not answerable to the people, are not responsible to the people. England is faced with a disaster the like of which we do not see in India to-day, and I hope the like of which will not invade this country.

I need only say before conclusion that whatever our political relations with England may be, so far as India is concerned, we would rather like to be in the position of a country like the United States of America, which India resembles the most in her wide and varied extent, in the multitude of her thrifty population and in her abundance of natural resources ; and if that were the position I am certain India to-day would not be so much affected as she is affected by the attitude that the Secretary of State in a most irresponsible way has forced the Government of India to adopt, an attitude which the Government of India would not have adopted had only the Government of India been responsible to the Legislature. I have every sympathy with the Honourable the Finance Member. He is to-day between the devil and the deep sea. He has the deep sea of public opinion in front of him and he has the devil of a responsibility to the Secretary of State and His Majesty's Government which is not responsible to us, which is responsible to a people who are separated from us by more than half the world, and on occasions like this, whose interests, I do not want to say, so much clash with ours but do not so much seem to be the same. They are more concerned with their own interests, and naturally being human we are concerned with our own interests, not forgetting the higher interests, the interests of the Empire that we have at heart. But the whole point is this : supposing the rupee is linked on to the pound India and England sink together and we may not be in a position to save the pound or the rupee. But if on the other hand the rupee is released from the pound, we may be in a position to save old England. Therefore even in England's own interest the release of the rupee from this attachment to the pound is absolutely necessary. That is a point that should have occurred to the Leader of the European Group.

Mr. Winston Churchill while speaking on the return to the gold standard said in the House of Commons in his striking eloquent and picturesque phraseology that the gold standard may of course vary in itself from time to time, but the position of all countries related to it will vary together " like ships in a harbour whose gangways are joined and who rise and fall together with the tide ". Then he had in mind countries like Holland, the Dutch East Indies and so on. We would rather anxiously suggest to the Government to put it to the Secretary of State that that is the position we ask for, that the rupee should be released from bondage, so that we may be financially independent and consequently interdependent as pictured by Mr. Churchill.

[Mr. C. S. Ranga Iyer.]

Lastly, I should like to say a word about the last part of the Resolution in the framing of which I had no part, but in the dealing with which I have from this side a duty to the Opposition to perform. It runs thus :

" With reference to the announcement made by the Honourable Finance Member about the introduction of a Second Finance Bill this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session."

I was unfortunately absent when this decision was reached, and therefore I had no opportunity of contributing my own little wisdom to the subject. But I must put it to the Honourable the Finance Member whether it will not be proper for the Government to hold a special session of the Assembly, say, some time... (*A voice* : " in November. "). My Honourable friend the Rajah Sahib of Kollengode, for whom I have the highest respect, says November. Many of our Members have gone away ; they did not know that this calamity was in store for the people. Will it not be proper, when a matter of such paramount importance is going to be discussed, to give due notice to Honourable Members so that they may have an opportunity of considering it ? If the Honourable the Finance Member wants to rush through the Bill, as he will certainly be considered by the country as doing, then I can only say that he cannot get the support of this side, he cannot even get the considered support of this House. If, on the other hand, the Honourable Member were to give us some notice, were to invite Honourable Members to a special session, and in the meantime, inform the country of the situation that the Government are up against, I am sure that he would command more sympathy than he is otherwise likely to command in a difficult position like this. Therefore, I would very strongly put it to the Honourable Member in charge to consider the question of having a special session instead of bringing it before this House with what public opinion in the country will describe as " indecent haste ". (*Applause.*)

**The Honourable Sir George Schuster** : Sir, I am very grateful to my Honourable friend who has just spoken for the somewhat unusual calm of his speech, and I may also thank him for his sympathy with me in my position which he described as being one of sitting between the devil and the deep sea. I rather gathered that he was the one and the Secretary of State was the other (*Laughter*), but he did not tell us which was which. (*Laughter.*)

Sir, I think I may say that to-day's discussion has been of considerable value ; I would at least for my own part attach great value to it. I should like, if I may, particularly to congratulate my Honourable friend the Deputy President on his most excellent, I might say, brilliant speech. (*Applause.*) I should also like to congratulate Mr. Ramsay Scott on his maiden speech (*Applause*), which I am glad to say supported the case for which I stand.

But returning to the speech of the Honourable the Mover, I venture to say that it was in itself an illustration of some of the dangers of discussing a subject of this kind in a political Assembly. I feel that there is a great danger in applying the arts of rhetoric to business, or in handling finance not in the cold atmosphere of realism but in the heated controversy of political debate.

Sir, my Honourable friend is a wonderful advocate. I can imagine that if he could come over to this side he would be able to make an almost equally convincing speech for the case for which I stand as he did in support of his own motion.

In that connection I might perhaps say that I am not going to attempt to follow my Honourable friend in making an advocate's speech. I want to ask the House to consider both sides of this question, and even if they admit that my Honourable friend has been able to advance very telling arguments, I wish them also to consider the balancing considerations with which we, who hold the responsibility, have had to deal.

Sir, this is no easy case. It is a matter on which great issues hang, in regard to which the dangers on either side are tremendous, and for that reason, I am particularly grateful to every speaker who has spoken on the subject that he has preserved an atmosphere of calm, and to that extent contributed to a fair consideration of the problem. I will not attempt to follow my Honourable friend, as I said before, in his arts of rhetoric; I will follow him perhaps in one feature only, and that is in telling the story of the last few days. I do not know from what source my Honourable friend got his information, but in some respects he was extremely accurate. He depicted me coming down to breakfast at 8-30 A.M. on Monday morning, opening my press telegrams and finding that the British Government had decided to divorce sterling from a gold basis. He pictured my hurried consultations with the Finance Secretary, he pictured a sudden dash to the Viceregal Lodge,—and there I must tell him that he was inaccurate just in one detail, for the journey was in one of His Excellency's motor cars (laughter), and not on a pony or in a rickshaw. Sir, at that hour on Monday morning, we, who were responsible for the finances of the Government of India, were confronted with a very serious problem. If anything was to be done, we had to act and convey orders to Calcutta and Bombay before 10 o'clock in the morning, for although the ordinary business hour is 10-30, Honourable Members are aware that there is a difference in time with Calcutta, so that 10-30 A.M. in Calcutta is 10 A.M. at Simla. So, we had ninety minutes exactly in which to consider what to do. I think perhaps we may congratulate ourselves that in those ninety minutes we settled on immediate action and we were able to produce an ordinance and get it signed by His Excellency the Viceroy. I think looking back on the last few days, we may claim with confidence that our action was correct. We felt that, with the sudden news of the break in sterling coming on the market there might very well be a panic both in Bombay and in Calcutta. Speculators would not pause to consider to what depths sterling might go or whether it was wise to keep to their rupees and keep out of sterling. It was almost certain that in the first excitement there would be a rush to ask us as the currency authority to deliver sterling to them. If that rush had developed, it might have led to very serious results indeed. I may inform Honourable Members that, as evidence in support of what we had apprehended, we actually received in Bombay, in the first ten minutes after business opened and before the market was aware of the issue of the ordinance, demands for 425,000 pounds sterling. If matters had gone on at that rate we might have had a very serious run and confidence might have been so shaken that it would have been impossible to



[Sir George Schuster.]

restore it. We therefore took emergency action. We did what I explained to the House on Monday. We took steps in order to preserve the position until we could take a look round and see what was the best thing to do. We decided further that we should order bank holidays for the next three days. We thought it desirable that the whole business world should have time to take stock of the position and that there should be no opportunity for panic to develop until every one had got their balance. I think we may claim that our action was completely successful. My Honourable friend who moved this Resolution referred to the bank holidays as having created further disturbance. It is quite true that while those bank holidays were passing we did receive disquieting news from various centres throughout the country. There were apprehensions of runs on banks. The ordinary people did not understand why it had been necessary to close the banks. They suspected that there was something wrong with the internal position and it might well have been that when business reopened a serious situation might have developed. We therefore took further action, issued communiqués, and I explained the position still more clearly in the statement which I made in this House on Thursday and which we circulated over the telegraph wires to every branch of the Imperial Bank, to every Local Government and to every district officer. The result was that inasmuch as our announcement made it clear that the Imperial Bank would stand behind all other banks and that the Government would stand behind the Imperial Bank, we were able to create an atmosphere of complete confidence for the opening of business yesterday. Business in fact opened quite normally everywhere. There were in a few centres runs of minor dimensions on some of the banks, but nothing of any serious consequence resulted at any place. I may read to the House the normal daily report which we received last night from the Controller of the Currency in Calcutta. It reads as follows :

“ The exchange market closed firm at 17 and 25/32. No reverse councils here to-day and large quantity of export bills shown. Bank situation also normal and no trouble apprehended. British members of Eastern Exchange Banks and associations have cabled their appreciation and offered to co-operate in any way. General tone is better all round.”

I think, Sir, that that is a significant fact that there were no demands for sterling from Government at their selling rate. The banks were dealing freely at 17 and 25/32, and we had been able to create confidence and to accomplish the difficult task of opening business without any disturbance to normal conditions.

Now, Sir, I have thought it worth while to go over that story because I feel that what has actually happened and what is actually before us is very much more important than theoretical arguments as to what ought to be done or what is to happen in the distant future. We have got through a crisis and I think it is fair to say a crisis of such potential significance as India has never had to face before. The shock to the world of the pound sterling being divorced from gold, the reactions that it might have produced in an atmosphere which was already nervous and apprehensive, might have been tremendous. Yet we have weathered the storm. The ship is still afloat and the Government's reserves are practically untouched. Let us therefore concentrate on the actual steps

which have been taken and the next steps which can be taken. The last few days have been extremely interesting. I think we may say that we have in the last few days been face to face with realities. Many Honourable Members and many public speakers, who have in the past advocated a complete divorce of the rupee from gold at its present level, who have advocated a period of complete instability, suddenly woke up to find that what they had been in the habit in the past of looking upon as visionary and beautiful dreams might suddenly confront them in all the stark grimness of reality. I think many of them were frightened of the picture when they saw it in that light. I had a good deal of conversation with Honourable Members in those three days and they were not quite certain as to what the Government were going to do. I did not find the same certainty of opinion as has been expressed to-day. Why? Because now the Government have decided on a definite course of action, Honourable Members have not got to think what they would do in the circumstances, with all the difficulties in front of them. They can now satisfy themselves with the easy task of uniting in the criticism of Government which has already done its task. It is an easy task. I envy Honourable Members the easy task of a critic. I wish for a moment that my Honourable friend could come across these ten yards that separate us and seat himself in my place. I wonder if he would then treat with quite so much certainty the course which he tells us that we ought to have taken. Sir, in all the discussion which has passed to-day and in the conversations which I have had in the past and the communications which I have received from various commercial bodies all over the country—and I may tell my Honourable friends that until they knew what the Government was going to do those communications were by no means unanimous and that at least one Indian Chamber of Commerce strongly advocated that we should link the rupee to the pound sterling—in all these messages.....

**Mr. B. Das :** May I know the name of that Indian Chamber ?

**The Honourable Sir George Schuster :** I have no objection to telling my Honourable friend that it was the Bengal National Chamber of Commerce. In all that has passed, I have tried to detach those points on which there is agreement and those points on which I feel that there is a certain amount of reason. And it seems to me that there are four points on which everybody agrees. When I said at the beginning that I was not going to play the role of an advocate, seeing only one side of the case in what I have to say to-day, I may say at once that I had in mind these points which I am going to mention, in all of which I feel there is a great deal of substance. The first point, I think, is that policy on a vital matter of this kind ought to be settled by the Government of India in consultation with Indian opinion. I think there can be no doubt that all Honourable Members who spoke opposite have given voice to that particular opinion. The second point is that it is desirable to bring about some depreciation in the gold value of the rupee. The third point is that Honourable Members are not quite certain whether, the rupee being linked to sterling will give India the exact measure of depreciation in the gold value of the rupee which she wants. They feel that the course of sterling is uncertain. Some fear that it may go down too low ; others fear that it may go too high and that the rupee may be dragged up again

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at the tail of sterling to 1s. 6d. gold. And the fourth and last point is that, whatever we do, we must not let India's gold reserves be dissipated. I think I may say on all those points that there is a measure of agreement in what Honourable Members opposite have said to-day, and in what I heard in the days before I made my announcement on Thursday. Let me take those points. As regards the first point—that policy on a vital matter of this kind ought to be settled by the Government of India in consultation with Indian opinion; I would ask Honourable Members to recognize the difficulties, the practical difficulties that lie in the way of giving effect to that particular point. Decisions have to be taken very quickly in times of crisis like this. I think Honourable Members will recognize from what I have told them how quickly our decision had to be taken; and it would have been impossible to allow the final course to remain in doubt after we had taken what was merely emergency action to protect the position on the first day. The world had to know what we were going to do; there was no time for full discussion with public opinion. Nor—and I hope Honourable Members opposite will not take it amiss if I may say—nor do I think that a discussion on the floor of this House is really the method by which one can arrive at correct conclusions on a matter of this kind. (Applause.) It is a matter on which, in the first instance, the Executive Government must take the responsibility. Whether there will be occasion in the future to reconsider the more distant policy, that is a question in connection with which, with that possibility in view, such a discussion as we have had to-day is of great value. But as far as immediate action is concerned, I do submit it was impossible to act in any way differently from that in which we have acted.

Then, if we take the second point, that it was desirable to bring about some depreciation in the gold value of the rupee, I think on that point also I can agree with Honourable Members. I agree, because the world is suffering to-day from a state of affairs brought about by a complete break-down of the gold standard. Gold had become far too valuable, which meant that currencies based on gold had become far too valuable, and that commodities on the contrary had become far too cheap. The point was brought out in the Report of the Committee which the British Government themselves appointed four months ago,—the Macmillan Committee. They said that it was quite clear that if gold prices remained at their present level, there was practically no country in the world that could remain on the gold standard. What the state of things required was international co-operation, better arrangements for the economic distribution of the gold resources of the world—a form of co-operation which would have led to a general rise of prices. That was the course which I, whenever currency matters were discussed, tried to impress upon Honourable Members opposite was the right course. I had always felt it necessary to resist the proposal, for instance, that India should take action on her own account, and, apart from the rest of the world, depreciate her currency, because I felt that isolated action of that kind by India might produce such chaos in India, such a break-down of India's credit, that all the advantages of a rise in prices would disappear, and that we might be landed in a morass of difficulties from

which we could not extricate ourselves without ruining half the country. But now, Sir, a new condition has come upon us ; and we must approach the matter from a different angle. We are confronted with conditions for which we are not responsible and in which it is possible to take action on the lines which have always been advocated by Honourable Members opposite without producing those results which I had felt isolated action by India might produce.

And that brings me to the third of the four points which I mentioned, namely, the fears which Honourable Members opposite hold as to what may result from the rupee being linked to sterling. Here, if I may say so, I should like to congratulate my Honourable friend, Mr. Ranga Iyer, for having discovered, either by his own ingenuity or with the help of some friendly adviser, that very telling passage from the Report of the Currency Commission, the Hilton-Young Commission, which he read out to the House. I confess I had my apprehensions that that passage would be mentioned (Laughter). It was very present to my own mind, and it was entirely legitimate to mention it. The arguments that were adduced were all good arguments. In normal times those considerations must certainly be weighed and taken into account ; but what I would put to my Honourable friends is this, that we have now to consider what at any rate for the immediate future is the best course for India, and I do ask of Honourable Members to weigh this in their minds : what would have been the risks of entirely detaching the rupee from any sort of stable basis, and how do those risks compare with the present position where we have retained at least some anchor, some link to the comparatively stable basis of sterling ? A great deal has been made of the danger to our reserves if we continue on the course which has been taken, but I would ask my Honourable friend, the Mover of the Resolution, to consider what would have been the position in the contrary case. He seems to imagine that if we had detached the rupee from any sort of basis at all, and left it in common parlance to " drift " or to " find its own level ", we should have been able to sit on our reserves and keep them intact. But my Honourable friend must remember that we have very heavy recurring sterling obligations to meet. Our actual sterling obligations are something like 32 millions every year. We have moreover, on the 1st January, 1932, a sterling loan of 15 million pounds maturing, and another of 7 millions later in the year. If we were entirely detached from any stable basis, I venture to say that our difficulties in raising money abroad, either in London or elsewhere, would be almost insuperable. We should then be forced back on to drawing on our sacred reserves in order to meet our recurring obligations. That is the possibility on the one side. On the other side we had the definite assurance and absolute guarantee,—and as I informed the House on Thursday it was on the strength of that guarantee that we felt ourselves justified in sponsoring the policy—we had the definite guarantee of assistance from His Majesty's Government both to meet our sterling recurring obligations and to maintain the level of the rupee. On the one side there is the policy of drifting, a chance of seeing prices rise perhaps higher than they would have if we had remained linked to sterling, but the danger that in order to meet our recurring requirements we should have to draw on our own resources, and on the other side the comparative stability of a sterling basis and the assurance of support from His Majesty's Government. Is

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the choice between the two alternatives quite so easy as my Honourable friend would represent it? Is he quite so full of assurance that the course he advocated to-day would have been in the best interests of India? I should like him to sleep over that question and imagine himself in our place and consider what decision he would have arrived at.

Then, Sir, there is a good deal of misunderstanding on this question. It has been pictured that if sterling depreciates very heavily, the rupee would be dragged down with it and that on that side there is a danger to India. But I would remind Honourable Members that our obligation as regards sterling is only an obligation to sell sterling against rupees. We are by no means bound to buy sterling. We are not bound to give out rupees to an unlimited extent in order to acquire sterling; and therefore if what some Honourable Members fear happens, if sterling depreciates too far, and the level of the rupee really could be maintained above that of sterling, there is nothing in the present position to prevent that. We have sterling below us as a support, we have not got sterling above us as a weight that can press us down. Our only obligation as a currency authority to buy anything against the issue of rupees is to buy gold, and therefore there is nothing to prevent, even under present conditions, the rupee rising with natural forces operating in that direction. There is nothing to prevent the rupee rising to the upper gold point again.

Then, Sir, my Honourable friend referred to what he described as the fallacy of saying that we could save money by remaining on a parity with sterling. He referred to an answer which I gave a few days ago in which I was asked what would be the effect on the Budget if the rupee stood at 1s. 4d. sterling as compared with 1s. 6d. sterling. I pointed out that that would mean, as far as our external charges went, that their equivalent in rupees would rise by 5 crores of rupees. My Honourable friend went on to say that that was a fallacy and that I had attempted to represent that we were benefited to the extent of 5 crores by maintaining the rupee at 1s. 6d. I can assure him that I never gave utterance to any doctrine of that kind. I merely stated the fact. I did not say that we could get 5 crores from nothing. This world is not a place where anyone can get money for nothing. In fact all my arguments on this question have been to point out to others who argued in the contrary sense that by depreciating the rupee you could not get money for nothing. You could, by alteration of your currency value, distribute money differently as between different classes, but one man's gain is another's loss; and that is a stern reality from which there is no escape. But in the present circumstances, in the arrangement which has now come upon us, there is a very definite advantage, and from that I do not think my Honourable friend's ingenuity will be able to find any escape. We have now got a certain advantage in the fact that the gold value of the rupee has gone down. Certain classes in the country will get the advantage in that the rupee prices of their commodities will rise. That should ease the situation in many ways, but on the other hand we do not suffer what we should have suffered if that change had been brought about by divorcing the rupee from sterling. Sterling has come down with us and therefore, although prices will rise and we may get some

improvement, for example, in our Customs returns, we shall not lose on our sterling charges because our parity with sterling remains the same. That, I venture to think, is a special reason for justifying the arrangement which has now been made in the present circumstances.

Then, Sir, I should like to deal with another argument that has been advanced. It has been said, and very cogently, that a certain condition arises in a country's affairs as regards its exchange policy. A point comes when the strain of maintaining the gold parity is so great that the country has to say that it will be better to go off the gold basis and preserve its reserves. I have been told quite rightly that that is what they have decided to-day in England, and I have been asked, if that is the right policy for England why was it not the right policy for India? A very cogent question. But I think there are three points of distinction between the two cases. In the first place you must remember that the difficulty which has come upon England is not a difficulty due to anything in the internal position of England. England still remains a creditor country, a creditor country holding thousands of millions of pounds of investments in other countries. The difficulty that has come upon England is solely due to England's position as the international banking centre of the world. London was the market where funds were most readily raised and where deposits could be most readily realised. Everybody engaged in international trade liked to have a balance in London. The result was that London held enormous sums of foreign balances. During the period when the French franc was depreciating from 25 to 125, enormous quantities of French capital were exported to and held in London. That put London, in a sense, in the position of being at the mercy of those depositors who held deposits there and who, if there confidence was shaken in any way, could withdraw their deposits. That is what is happening. London is in the position of a bank on which there is a sudden run. The bank is perfectly sound. The bank has assets sufficient to cover its deposits many times over, but in the present condition of the world, the assets which England holds in the form of investments in foreign countries cannot be realised because all the countries producing primary products are unable to sell their goods at present. So that with frozen assets on one side and a sudden run on deposits on the other, London is suddenly being put in the position, as I said, of a bank which for a special reason has a run on it. But that run will stop, and the position, when it is stopped, will be a strong position, a position quite different from that of India, which at present unfortunately must be regarded as one of the debtor countries. England has adopted a course which means that, although they go off their gold standard, there is not likely to be a sudden collapse in the value of the pound. But such a course might have quite different results in India. I would again ask Honourable Members to consider that the risks in our case of a sudden leap into the unknown would have been very much greater than in the case of England.

Then there is a second point of difference between our position and that of England, and that lies in the fact that we have somebody who can help us, who has promised to help us. The assurance which we have got from His Majesty's Government is something which the British Government could get from nobody else. Having that

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assurance lends justification to the course which otherwise would have been absent.

Then as the third, and last point of difference, I would refer to the fact which I have already mentioned, that for us to be linked with sterling has special advantages, because all our external obligations are in terms of sterling. I quite agree with my Honourable friend, the Mover and with my Honourable friend, Mr. Ranga Iyer, that as regards foreign trade, the trade done in sterling with England only represents a portion of India's total trade. But although it is only a portion, it is a very important portion and to have one important portion of foreign trade conducted on a stable basis without fluctuations of currency is an enormous advantage, as I am sure all Honourable Members, who have any experience of business, will bear out. It is true that as regards the United States, as regards Italy, as regards Holland, as regards Germany, we shall have to conduct our trade now on a fluctuating basis ; but still a very large portion of the trade will be on a stable basis with England. But far more important than that is this question of the service of our foreign debt and our foreign obligations. Here it is in sterling that our payments have to be made, and that fact alone would be a tremendous argument, at least for the present, and until we can see better how things are going, for us to retain the comparative stability of being linked with sterling.

Then, Sir, I come to the last of the four points which I mentioned.

4 P.M.

Reference has been made in all speeches of Honourable Members opposite to our preserving our reserves in tact. I can assure them that we have that very fully in mind. We hope that our arrangements will be such as to cause no anxiety to those who support the retention of gold reserves. (Applause.) I trust that Honourable Members will not press me further on that point now. I would ask them to have confidence in the Government and to believe that unless we had faith in the assurance which we have received we should not have sponsored the policy which is under discussion to-day.

There were many points raised in my Honourable friend's speech, but I think I have already detained the House long enough.....

**An Honourable Member :** What about a separate session for the Finance Bill ?

**The Honourable Sir George Schuster :** And I would like to turn to the passage with which I began and in which I described to Honourable Members the course with which we were faced, and in telling of which I ventured to take up a position which at least claimed some measure of appreciation from the House for the action which Government have taken. When one is faced with the sort of choice we had, of staying more or less under known conditions, under conditions which gave one some basis of stability, or leaping into the unknown, it is necessary to weigh the matter very carefully, and whenever I am in that position I am reminded of a scene about seven years ago, when I happened to be in the position of discussing a very important matter with the present Prime Minister. I hope that if he reads the report

of this speech he will forgive me for referring to the somewhat homely language which he used. We were discussing a course of action which I had been urging upon him which I thought was very essential and urgent but which would have opened the way to very great dangers. He was arguing that until he was further convinced of the necessity, he preferred to remain in an atmosphere of comparative calm and take no risk, and he said to me, "I am always reminded of what happens when I go to sea and it is rough. I am a very bad sailor and when it is rough I get myself a deck chair in a sheltered place and I wrap myself up in a rug and be as quiet as I can : and all my friends come up to me and say, 'What a fool you are, Mac. Why don't get up and walk about and get it over?' and my reply always is 'No. Once I start being ill I do not know when it is going to stop : I would rather keep quiet as long as I can'." (Laughter.) That is a homely simile, but it illustrates the point which I have been trying to make, and before I sit down I would like to put before Honourable Members another picture, also taken from what happens at sea. We had a very interesting debate in this House the other day when we were discussing the economic conditions of the country. We took the line that we must preserve certain principles and maintain the ship of State and not allow it to founder. I pictured to my mind, as I was listening to that debate, the Government in the position of the Captain of a ship standing on his bridge in the midst of a terrible storm. I pictured Honourable Members opposite, some of them coming up to the Captain and saying, "Why do you not start an inquiry into the causes of this storm (Laughter.) and see if you can stop it?" My Honourable friend Mr. B. Das said, "There you sit or rather stand upon the bridge in the cool air ; you do not know what horrible things are happening to the people in the cabins down below". Mr. Amar Nath Dutt said, "You must go down and see the misery that is going on, people lying on top of each other being ill in every corner—absolute misery and distress and you sit up there ; you ought to go down and see it for yourself and then you would know what to do". Much as I sympathise with my Honourable friends, I think it would do very little good for us to come down and look into those particular matters. Our task at the moment is to keep this ship afloat in a period of extreme danger and difficulty ; and if we say, "Trust us in our position of responsibility on the bridge", it does not mean that we do not sympathise with the condition of the country, it only means that we feel that we have got a more important task up here and that our first task must be to preserve our freedom of action in performing that task. When we say that, I think we are talking reasonably, and we are justified in asking the House to have confidence in us. We have got through a very dangerous cyclone. I am not prepared just now to say what course we are going to steer in the distant future. Sufficient unto the day is the evil thereof. We have decided to take a certain line. Mr. Mody asked me all sorts of questions : "What is going to be the ultimate result of all this ? Are you going to continue in this way for all time ?" I must tell my Honourable friend that I cannot answer those questions. We are now in a position in the world for which there has been no parallel within the living memory of any of us. No one can tell exactly what is going to happen. We may be content to take each step as it comes and ; if we preserve the ship from foundering from weak-



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week, I think we shall have deserved well of Honourable Members in all parts of this House. (Applause.)

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Mr. President, on more than one occasion I have had the pleasure of listening to my Honourable friend, the Finance Member ; but never do I remember him trying to defend his case with, shall I say, such modesty—I will not say reluctance. The sum total of his argument is that he had to take a choice of two evils ; and to rely on him that he has taken the choice of the evil which he considers to be not the worse of the two. He has already frankly admitted that there was a great deal in the brilliant speech of my Honourable friend, the Deputy President, with which he quite agreed. I am sorry he did not go further and tell us that the present steps taken by Government are merely temporary ; that might have given us some hope.

The main point made by my Honourable friend, the Deputy President, was, notwithstanding all the disadvantages of having the rupee linked to sterling, are Government going to save our gold reserves ? If they will guarantee that, the position they have taken up may be tolerated. But if they cannot guarantee to us the preservation of our gold reserves, their proposals are unacceptable so far as we are concerned. What has been the answer of my Honourable friend ? An assurance that, if the steps taken now lead us to bankruptcy, somebody will come and help us after we are bankrupt. I am not prepared to take a guarantee of help after I am a bankrupt. I would much rather see that guarantee of help materialises when I am on the verge of bankruptcy and before I actually become bankrupt—a guarantee that will protect me from going into bankruptcy—rather than a guarantee of help that is coming to me after I have been robbed of all I have. If there is anything in that assurance, could it not have matured immediately when we are on the verge of bankruptcy ? Could not my Honourable friend and his friends on the Government Benches persuade the British Government to give us a credit of £50 millions immediately and save, even temporarily, our gold reserves ? We fully sympathise with England in the position in which she finds herself, and there is no one on this side of the House, especially one who has lived there for many years, who sympathises more with the English people in their time of trial and calamity. But to tell me that we are to rely on a guarantee of a £50 millions sterling loan, when we know that it is difficult for England in these hard times to secure credit in the United States or France for herself, is asking me to believe a little more than I am inclined to do at this present moment. The whole foundation of the Honourable Member's argument for the steps he has asked us to endorse are two : firstly, the assurance, and secondly the ordinance which he wants us to believe will prevent the flight of gold from this country, making allowance only for ordinary trade purposes. I regret I am absolutely unable to accept either plea. What is this ordinance ? Honourable Members have said on this side of the House that anybody can drive a coach and four through that ordinance, and my Honourable friend the Finance Member knows it. I wish he had told us a word or two about it. He knows very well that just now, if I desire to remit

50 lakhs to England, not for any trade purpose, I could under the ordinance arrange to do so.

**An Honourable Member :** It was done in 1921.

**Sir Cowasji Jehangir :** He knows it has been done in the past, and I am confident that he is extremely nervous that it will be done in the future. Those are the two main points about which we asked for assurances. We have received none, and still we are asked to withdraw or not to support the Resolution moved by my Honourable friend the Deputy President.

May I ask another question. I will not only ask it, I will answer it myself at the same time. If after these reserves are exhausted—and they are bound to be very shortly—as the ordinance is not going to be of much use to us—and if the rupee is to break away from sterling, what is my Honourable friend going to do? And what will then be the position? The position will be that the rupee will break away from sterling minus the gold reserves we have got at present. My Honourable friend said that if the rupee was allowed to find its own level the gold reserves would go all the same. I cannot endorse that statement. There are more chances of the reserves being depleted quicker with the rupee linked to sterling than if the rupee was allowed to find its own level. Sir, the main point on which we want an assurance is that Government are doing for India what the British Government have done for England. The assurance we ask for is that as the British Government at a time of trial have determined to preserve their gold resources, Government will do so by every means in their power. Sir, it is an irony of fate that at a time when some of our most distinguished Indians are today in England discussing the future constitution of our country, we find ourselves far from being a democracy, far from being a bureaucracy,—we find ourselves an autocracy, we are governed by one man. Sometimes, an autocracy is to the greatest advantage of a country, but the country must be confident that the autocrat is acting in the best interest of the country, that there are no ulterior motives which guide him and lead him in his actions. But if the country is doubtful about the motives that underlie his actions, what is the use, Mr. President, of Indians going to England and discussing the future constitution of this country? It is becoming a farce. Here we have found, and it has been so often repeated to-day, that the Secretary of State is dictating the currency policy of this country, and let me admit frankly before this Honourable House that a large majority of Indians do not trust the Secretary of State for India. They feel that the Secretary of State is acting as an autocrat, not in the interests of the country which has been entrusted to his care, but in the interests of some one else, and that is what we stand up here to resent and condemn. What is the use of my Honourable friends sitting in a line on the opposite Bench? They are as impotent as we are. We are impotent enough, and if they come down to our level and are not able to make their voice heard, to raise little finger to defend the interests of this great country, what is it you expect us to do on this side except to protest, to condemn, and if necessary, to walk out?

**Mr. B. Das :** Don't go to the Round Table Conference.

**Sir Cowasji Jehangir :** Believe me, Sir, if Government could assure us that, autocrat as he is, the Secretary of State was imbued with only one motive, the best interests of this country, it would be bearable. But the

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position Government are creating to-day, believe me, is becoming intolerable, and it is the duty of every Honourable Member of Government to inform the Secretary of State of the great danger that lies ahead. Sir we do not believe that the policy adopted is in the best interests of the country and we firmly believe that that policy has been dictated to Government and therefore we refuse to accept it.

Sir, I was sorry to hear the maiden speech of my Honourable friend Mr. Ramsay Scott and the very ungenerous remarks that fell from his lips; he muttered them so that most of my Honourable friends may not have heard them, but unfortunately I did. He stated that there was a clique in Bombay, a powerful clique, who in their own interests and for their own advantage and benefit desire that the exchange should fall. And he tried to do something more, something that the Anglo-Indian Press has been doing for a long time. (Hear, hear.) He tried to drive a wedge between the industrialists and the agriculturists in this country. But every one of my Honourable friends know, whether they be industrialists or agriculturists, that in this case at least our interests are one, and I would appeal to them not to allow such wedges to be driven in between the friendly feelings and relations that have subsisted in India between Indians industrial and agricultural. But I will tell my Honourable friend why he (Mr. Scott) desires that the exchange should be maintained at 1s. 6d. Because he wants to remit his money home at an exchange which gives him a bonus from the pockets of the poorest agriculturist in this country. If Mr. Scott imputes motives to honest men, let me tell him what Indians will think of him—and why he is supporting 1s. 6d.

**Mr. J. Ramsay Scott :** Sir, I have always been in favour of 1s. 4d.

**Sir Cowasji Jehangir :** I am aware of that, but notwithstanding that, he has supported 1s. 6d. to-day, and all these years he and his friends have remitted all their monies to their native home at a rate of exchange which put into their pockets a bonus from the rate-payers and taxpayers of this country. Can he deny it? I challenge him, can he deny it? (*Some Honourable Members of the European Group :* "Yes.") I challenge him now to deny it. I venture to suggest that, far from imputing motives to others, he should realise that he is living in a glass house himself. I am sorry that Mr. Scott in his maiden speech should have attempted to create bad blood between Indians and Europeans; I regret it more than anybody else. (*Mr. K. Ahmed :* "Suppose they change the angle of vision.") (Laughter.) I recommend to my Honourable friend that when he makes another speech, he will see to it that he does not impute motives to a class of men who have served their country far better than he could ever have done.

**Mr. President,** I think my Honourable friend Mr. Moore said that in one argument he could not follow the Honourable the Mover, the Deputy President. The Deputy President said that what is sauce for the goose is sauce for the gander. What he meant was that if England can take steps to preserve her gold resources, why should we not be allowed to do the same by the same method? The analogy is a perfectly good one. We are both in difficulties. We are in greater difficulties than England and greater I trust than she will ever experience, but surely we have a right to protect our interests and we have a right to claim from our Government

that they shall protect our interests just as the great British public have a right to call upon their Government to protect their own interests. Then why, may I ask, if the Government in England can take the desperate step of severing sterling from gold to save their gold resources, should we be not allowed to let our rupee find its own level and preserve our gold reserves. We are told that this instability will ruin India. We have been frightened of it for a good deal of time, but we see England to-day boldly facing this instability. To-day sterling has depreciated compared to gold to the extent of 16 per cent. Now, will that not mean ruin for a large number of merchants and industrialists in England? Will not that cause great inconvenience? It may be to a lesser degree than if the rupee were allowed to find its own level, but still England is to-day facing that instability, is suffering that inconvenience and loss to many an individual. Why should we be afraid of doing the same for our country if in the end it is in our best interests? I would appeal to my Honourable friends not to be led away on this occasion. It is an occasion of the greatest gravity for two reasons, firstly, because the policy has been dictated by one man 7,000 miles away. I believe it is unconstitutional. I am not going into that point. Secondly, we firmly believe that the policy is not in the best interests of India. I would therefore appeal to every Honourable Member, whatever party he belongs to, whether he be an agriculturist, industrialist or a professional man, to support the Resolution moved by my Honourable friend the Deputy President and show once for all to the Secretary of State for India that, although he may consider himself the Great Moghul, we are not going to tolerate dictation at his hands in this way.

**Mr. B. K. Shanmukham Chetty :** Mr. President, I do not think it is necessary for me to speak at great length by way of reply. My Honourable friend the Finance Member complimented me on my powers of rhetoric and advocacy, and after hearing his speech this afternoon, I have made up my mind to take some lessons in rhetoric and advocacy from my Honourable friend. He asked us to view this question free from political passion and in the cold atmosphere of realism. After listening to the masterly speech of my Honourable friend, Mr. Ranga Iyer, I am sure you must feel convinced that every one of us has made the best attempt to view this question in the cold atmosphere of realism. The Finance Member asked me to picture to myself what I would have done if I were in his place on Monday morning and my answer to him is straight. If I were in his place on Monday morning, I would have acted exactly as he acted on Monday morning, but, with this difference that after having heard of the speech that the Secretary of State made in the Federal Structure Sub-Committee, I would have used to the Secretary of State language which you will not permit me to use in this House. With that difference I would have acted exactly as my Honourable friend had acted. My Honourable friend asked us to consider what would be the state of our gold reserves if the rupee were left unstable when the time came for us to meet our sterling obligations. If I were in his position again, I would have put it to His Majesty's Government that the financial situation of India, thanks to the administration of the Honourable the Finance Member, is as sound as the financial position of England; and even as England appealed in a time of crisis to the United States and France, I would appeal to His Majesty's Government to open credits in favour of the Government of India to maintain the stability of the

[Mr. R. K. Shanmukham Chetty.]

rupee. That is what I would have done and if His Majesty's Government were the real trustees of the Indian people and if they cared for the financial interests of India, I have no reason to think that they would not have responded to my appeal. I would ask my Honourable friend whether, when His Majesty's Government came forward with the re-assurance of their help, they made it a condition precedent that the rupee must be linked to sterling at 18*d*. If they did that, then I must revise my opinions about the *bona fides* of their offer for help.

It is not necessary by way of reply, Mr. President, to go into the details of the various arguments. I am glad to have had one admission from my Honourable friend. He seems to have realised, though late in the day, that the time has come to depreciate the gold value of the rupee. After maintaining the gold value of the rupee for five years at a certain figure, after having lost a great part of our gold reserves in that attempt, he now wakes up and agrees with us that the time has come to depreciate the gold value of the rupee. He gave us a homely story that Mr. Ramsay MacDonald related to him. I am reminded in this connection of another homely story which is told in my part of the country. A very rich gentleman in my part of the country spent all his fortune in a ruinous litigation for about 10 years and he lost all his money. The case was over and when his friends told him, "What a fool you are? Could you not have become wiser earlier? Why have you wasted all this money on this futile litigation", he replied, "Even though I lost the case, I have learnt the principles of the law". Similarly I can imagine my Honourable friend saying to-day, "Even though I and my predecessors have frittered away gold assets to the extent of 66 crores of rupees, I have now learnt the principles of finance". My Honourable friend in his rhetorical conclusion gave the example of the Captain on the bridge being worried by persons with whom a rough sea did not agree. Sir, that is not the correct way of looking at the question. I would take his own simile. The Government of India are not like the Captain on the bridge. The Government of India are like the Captain sleeping soundly in his cabin. We were not worried by sea sickness and frightened; and we did not ask him to institute an inquiry about the matter. We suspected that there was a hole in the ship. We searched for the Captain and we had to ascend 8,000 feet above sea level to find the Captain sleeping, and when we wake him up from his cabin and tell him that there is something wrong with the ship and that we suspect there is a hole, he tells us, "No, everything is all right. My Controllers of Currency in Calcutta and Bombay are looking after the thing. You had better go to your cabins and mind your business". That, Sir, is the position between the Government of India and the people of this country. We are not taken into the confidence of the Government; and when, at a time of crisis, we point out to them the dangers, we are asked to look after our own business, and we are told that it is the supreme responsibility of the Finance Member to take care of the financial ship of India. That is the position. We feel, however, serious apprehensions for the safety of our ship as a result of the policy forced upon us by the Secretary of State, and we have brought this motion before the House. It is not in a spirit of capering criticism of the action of Government that we have brought it forward; it is with a

view to give expression to our genuine apprehensions as to the economic welfare of our country that we thought it necessary to raise this debate.

**Mr. President :** The question is that the following Resolution be adopted :

*"WHEREAS* it is apprehended that it would be seriously detrimental to the interests of India to link the rupee to sterling under present conditions ; and

*WHEREAS* the action of the Government of India as currency authority in maintaining the exchange value of the rupee at 18*d.* has had disastrous effects on the agricultural and industrial interests of the country and has resulted in the depletion of the gold assets in the currency reserves ; and

*WHEREAS* it is further apprehended that the linking of the rupee to sterling and the consequent obligation imposed upon the Governor General in Council by the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931) will result in further frittering away the gold assets, to the grave detriment of the financial and economic life of the country ;

*This Assembly* is of opinion that the Governor General in Council should immediately take such steps as are necessary to ensure that the total amount of the gold and sterling assets in the Paper Currency and Gold Standard Reserves are not allowed on any account to fall below the level at which they stand at present ; and

*This Assembly* is further of opinion that under the present circumstances it would be in the best interests of the country for the Governor General in Council to take steps to restore the Ordinance No. VI of 1931 and to relieve himself from the obligation imposed upon him by section 5 of the Currency Act, 1927, or by Ordinance VII of 1931, and that in any case if Government are determined to continue Ordinance No. VII of 1931 such obligation ought not to be undertaken unless and until substantial long-term credits are forthwith granted in favour of the Government of India in London by His Majesty's Government on reasonable terms and conditions.

With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members and that no proposals for taxation must be made in the present session."

The Assembly divided :

AYES—64.

Abdoola Haroon, Seth Haji.  
 Abdur Rahim, Sir.  
 Ahmed, Mr. K.  
 Anklesaria, Mr. N. N.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Azhar Ali, Mr. Muhammad.  
 Bhuput Singh, Mr.  
 Chandi Mal Gola, Bhagat.  
 Chetty, Mr. R. K. Shanmukham.  
 Chinoy, Mr. Rahimtoola M.  
 Das, Mr. B.  
 Dudhoria, Mr. Nabakumar Singh.  
 Dutt, Mr. Amar Nath.  
 Fazal Haq Piracha, Shaikh.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Harbans Singh Brar, Sirdar.  
 Hari Raj Swarup, Lala.  
 Ibrahim Ali Khan, Lt. Nawab Muhammad.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.

Isra, Chaudhri.  
 Jadhav, Mr. B. V.  
 Jehangir, Sir Cowasji.  
 Jha, Pandit Ram Krishna.  
 Jog, Mr. S. G.  
 Kyaw Myint, U  
 Lalehand Navalrai, Mr.  
 Muswood Ahmad, Mr. M.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Mujumdar, Sardar G. N.  
 Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Pandian, Mr. B. Rajaram.  
 Pandit, Rao Bahadur S. R.  
 Patil, Rao Bahadur B. L.  
 Puri, Mr. Goswami M. R.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Rajah, Raja Sir Vasudeva.  
 Rajan, Baksh Shah, Khan Bahadur  
 Makhdum Syed.  
 Ranga Iyer, Mr. C. S.

## AYES—contd.

Rastogi, Mr. Badri Lal.  
 Reddi, Mr. P. G.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sarda, Rai Sahib Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Shah Nawaz, Mian Muhammad.  
 Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sohan Singh, Sirdar.

Suhrawardy, Sir Abdullah.  
 Sukhraj Rai, Rai Bahadur.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Thampun, Mr. K. P.  
 Tun Aung, U  
 Uppi Saheb Bahadur, Mr.  
 Wilayatullah, Khan Bahadur II. M.  
 Yamin Khan, Mr. Muhammad.  
 Ziauddin Ahmad, Dr.  
 Zulfikar Ali Khan, Sir.

## NOES—40.

Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. R. S.  
 Banerji, Mr. Rajnarayan.  
 Crerar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dyer, Mr. J. F.  
 Elliott, Mr. C. B.  
 Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Griffiths, Mr. G. I.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Knight, Mr. H. F.  
 Lall, Mr. S.

Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Rama Rao, Rai Bahadur U.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Todd, Mr. A. H. A.  
 Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the clock on Monday, the 28th September, 1931.

## LEGISLATIVE ASSEMBLY.

*Monday, 28th September, 1931.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### PURCHASE BY POSTAL OFFICIALS OF MOTOR CARS FROM MOTOR MAIL CONTRACTORS.

961. \***Mr. B. N. Misra** : (a) Is it a fact that officers of the Postal Department, Madras, purchase motor cars from motor mail contractors and have money dealings with them ?

(b) Do Government propose to issue proper instructions on the subject to all such officers concerned ?

**Sir Hubert Sams** : (a) Government have no information that the fact is as stated.

(b) Does not arise.

#### APPOINTMENT OF MUSLIMS IN THE INDIAN ARMY ORDNANCE CORPS.

962. \***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state the number of persons employed from different communities in the following posts in the Indian Army Ordnance Corps and also state the educational qualifications of various Assistant Store-keepers so employed :

(i) Assistant Store-keepers,

(ii) Store-men, and

(iii) Upper, Lower and Routine Division Clerks.

(b) Is it a fact that the posts of Assistant Store-keepers and Store-men have recently been Indianised under a new scheme ?

(c) Do Government realise that there is a clear paucity of Muslims in the newly created posts of Assistant Store-keepers and Store-men ? Are there any reasons for that ? If so, what are they ?

(d) How many Indians, and within what period, are to be taken under the above scheme ?

(e) Are Government aware that many qualified Muslims are available who have applied for the above posts ?

(f) Do Government propose to give chances to such other Muslims who may be already in the Indian Army Ordnance Corps and as such have also the required Ordnance experience ?

**Mr. G. M. Young** : (a) A statement is laid on the table.

(b) Schemes for the appointment of civilians as Assistant Store-keepers and Storemen were sanctioned in April, 1928 and November, 1930,



respectively. Under these schemes Indians, Anglo-Indians and members of the domiciled community are eligible for appointment to these posts.

(c) Government do not consider that the proportion of Muslims is inadequate.

(d) The number of posts at present earmarked for civilian Assistant Storekeepers is 133 : and the rate at which vacancies occur at present is about six a year.

236 civilian storemen are required, of whom 132 have already been appointed. The balance will be recruited as vacancies occur within the next 12 or 18 months.

(e) and (f). Yes.

*Statement referred to in the reply to part (a) of starred question No. 962.*

	Hindus.	Muslims.	Sikhs.	Chris- tians.	Other com- munities.	Total.
Assistant Storekeepers ..	9	6	3	2	..	20*
Storemen .. ..	74	28	21	8	1	132
Clerks, Upper Division ..	39	5	5	7	4	60
Clerks, Lower Division ..	176	61	23	13	1	274
Clerks, Routine Division ..	93	33	21	4	1	152
Total ..	391	133	73	34	7	638

\*16 are graduates. The remaining 4 were specially selected as they had done similar work for 3 or 4 years before appointment as Assistant Storekeepers.

#### SAFEGUARDING THE INTERESTS OF MUSLIMS IN RETRENCHMENT IN THE INDIAN ARMY ORDNANCE CORPS.

963. \***Shaikh Fazal Haq Piracha** : Have Government issued any instructions to heads of various Ordnance establishments in India to safeguard the interests of the Muslim minority while proposing the retrenchment of temporary or permanent establishments of the Indian Army Ordnance Corps ? If not, do Government propose to do it now ; if not why not ?

**Mr. G. M. Young** : No special instructions are necessary. The interests of minority communities are carefully watched whenever appointments are filled or vacated.

#### ARRANGEMENTS FOR MEDICAL AID FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

964. \***Shaikh Fazal Haq Piracha** : (a) Are Government aware that there are no arrangements made by Government for medical aid for the Members of this Honourable House ?

(b) Are Government aware that medical aid could not immediately reach the late Mr. K. C. Roy, Member of this House, in the Legislative Assembly Chamber ?

(c) Are Government also aware that Members of this House very often cannot get competent medical advice when they require it during the session period, which prolongs their illness and is often the cause of their continued absence from the House ?

(d) Are Government prepared to make arrangements in future for medical aid to the Members of this House when they require it during the session period of the Assembly ; and, if so, arrange to mention the full address and telephone number of the doctor or doctors appointed for the purpose in the list of Members of the Legislative Assembly supplied to every Member ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Immediately after the late Mr. K. C. Roy was taken ill in this Chamber, his own doctor was telephoned for and arrived as soon as he could. There was no unusual or unnecessary delay in obtaining medical aid.

(c) No.

(d) In view of the large number of medical practitioners, private and official, both at Delhi and Simla, whose services are available to Members of the Legislative Assembly during the sessions, Government do not consider it necessary to make any such special arrangements as suggested. The names, addresses and telephone numbers of most of such medical practitioners will be found in the telephone directories.

**Mr. K. Ahmed :** In view of the fact that Government even in the boarding houses and hostels of colleges and public institutions have got medical officers to look after the people there, do Government propose, for the benefit of the public and the representatives of the country, to adopt a similar method in the Western Hostel at Delhi and other quarters and hotels at Simla ?

**The Honourable Sir George Rainy :** The point of my answer was this. The services of private medical practitioners are available for the service of Members of Legislature to exactly the same extent as they are for officials. They are so for this reason that their services can be obtained at short notice, with equal ease in either case.

**Mr. K. Ahmed :** My question is that, in view of the fact that there is a permanent arrangement in public institutions and in the hostels of Government colleges all over India for medical assistance, do Government propose, for the benefit of the people coming here from long distances and taking their residence at Longwood Hotel or at the Summer Hill Station or at the Cart Road or at the Western Hostel in Delhi or away from the town, to arrange for medical assistance near at hand to those places where Government had made arrangements for their stay ?

**The Honourable Sir George Rainy :** I am afraid the Honourable Member is better acquainted with the arrangements at colleges and hostels throughout India than I am. But naturally Government would give great weight to a generally expressed desire of the Members of the House.

**NAMES OF OFFICIALS HOLDING CERTAIN EDUCATIONAL POSTS IN DELHI.**

965. \*Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the names of the officials who held the important educational posts of Headmaster, Government High School, Assistant Superintendent of Education, District Inspector of Schools and the Head Clerk in Delhi, and period of tenure of respective officials :

(a) so far as it can be ascertained before its formation as a separate province in 1912 ; and

(b) after its formation as a separate province up to the end of 1927 ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** With your permission, Sir, I shall deal with questions Nos. 965—968 together. The information asked for is being collected and will be supplied to the Honourable Member in due course.

**NUMBERS OF HINDU AND MUHAMMADAN TEACHERS EMPLOYED IN SCHOOLS IN DELHI.**

†966. Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the numbers of Hindu and Muhammadan teachers, employed as on the 31st March, 1912 and the 31st March, 1928, in (a) Municipal schools in Delhi, (b) Municipal schools in New Delhi, and (c) District Board schools in Delhi ?

**NUMBERS OF HINDU AND MUSLIM SCHOOLS IN DELHI.**

†967. \*Lieutenant Nawab Muhammad Ibrahim Ali Khan : Will Government kindly state the numbers of Hindu and Muslim Primary, Middle and High Schools in the areas of (a) Delhi Municipal Committee, (b) New Delhi Municipal Committee, and (c) District Board, Delhi, as on 31st March, 1912 and 31st March, 1928 ?

**APPOINTMENT OF MUSLIM TEACHERS IN DELHI.**

†968. \*Lieutenant Nawab Muhammad Ibrahim Ali Khan : (a) Will Government kindly state the number of Hindu and Muslim teachers as on 31st March, 1931, and explain why the proportion of Muslims has still remained inadequate in the Delhi Municipal schools after the explicit orders contained in his letter No. 3197, dated the 14th May, 1915, of Sir Malcolm Hailey, the then Chief Commissioner, Delhi, on the point and whether they are prepared to direct the local Government to take early steps in consultation with the Education Department to redress this vast inequality ?

(b) Will Government kindly give the number of Hindu and Muslim teachers as on 31st March, 1931, in District Board schools ? Are Government aware that the number of Muslim teachers in those schools is very disproportionate ? If so, are they prepared to take steps to redress the inequality ?

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†For answer to this question, see answer to question No. 965.

**SAFEGUARDING THE INTERESTS OF MUSLIMS IN THE CLERICAL STAFF OF GOVERNMENT OF INDIA OFFICES.**

**969. \*Lieutenant Nawab Muhammad Ibrahim Ali Khan :** (a) Is it a fact that the Home Department have decided that no examination for the selection of ministerial staff should be held during the current year ?

(b) When do Government propose to hold the next examination for the selection of ministerial staff ?

(c) Is it a fact that there are no qualified Muslim candidates available for employment in the Government of India offices ?

(d) If the reply to part (c) is in the affirmative, do Government propose to fill up all future vacancies by non-Muslim candidates ? If not, how do they intend to fill them ?

(e) To avoid communal inequalities, are Government prepared to issue orders that :

(i) the unqualified Muslims now employed in the offices in question should be retained till the next examination ; and

(ii) the unqualified Muslims should be recruited on a *pro rata* basis in vacancies occurring hereafter ?

(f) If the reply to part (e) be in the negative, will Government please say how they propose to safeguard the interests of the Muslims so far as the clerical staff of the Government of India offices is concerned ?

**The Honourable Sir James Crerar :** (a) and (b). It has not yet been decided when the next examination for vacancies in the Secretariat will be held.

(c) Yes, but for the Third Division only.

(d), (e) and (f). The Government of India have arranged that unqualified Muslims should be allowed to continue to hold temporarily vacancies intended for members of that community until qualified Muslim candidates are available.

**Mr. Gaya Prasad Singh :** If unqualified Muslims are allowed to be in service, why should not unqualified members of other communities also be given the same privilege ?

**The Honourable Sir James Crerar :** Circumstances arise which do not apply generally to all communities.

**Mr. Gaya Prasad Singh :** I refer to unqualified members of other minority communities, such as Sikhs and depressed classes.

**The Honourable Sir James Crerar :** If the Honourable Member will give notice of the question, I shall have the point examined.

**APPOINTMENT OF OFFICER SUPERVISORS AT ARMY HEADQUARTERS.**

**970. \*Lieutenant Nawab Muhammad Ibrahim Ali Khan :** (a) Will Government state the total number of Officer Supervisors at Army Headquarters ?

(b) How many of them are Indians ?

(c) Will Government kindly give the proportion of Indian to European Superintendents who have been superseded, in the last three years, when making permanent or temporary appointments to Officer Supervisor ?

**Mr. G. M. Young :** (a) There are 18 Officer Supervisors in Army and Royal Air Force Headquarters.

(b) One.

(c) Three Indian and nine European Superintendents have been superseded during the last three years.

#### ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.

971. **\*Mr. Bhuput Sing :** (a) Is it a fact that amongst the Government quarters at Phagli there are some blocks on a higher level and nearer the Secretariat than others which are very far down the *khad* ?

(b) Is it a fact that for the exchange of Phagli quarters from a lower level to a higher level of the same type a register is maintained for registering the names of candidates for such exchanges ?

(c) Is it a fact that in spite of the registration of the names in that register the tenants are asked to renew their applications for such exchanges every year ?

(d) Is it a fact that such renewal applications for exchanges are received direct by the clerks of the office of the allotting authorities from the applicants themselves and not officially through the respective Departments where these applicants are employed ?

(e) Is it a fact that the names in the register of applications are rearranged every year and new priority given to the applicants every year according to the time and the date of receipt of such annual renewal applications direct from the tenants of Phagli by the clerks of the office of the allotting authorities ?

(f) Are Government aware that by this method of renewal of applications the allotting authorities and the clerks of that office give on some applications a prior time and date of receipt and thus allot higher level quarters in the subsequent allotment ? If not, do Government propose to inquire into the matter ? If not, why not ?

**Mr. J. A. Shillidy :** (a), (b) and (c). Yes.

(d) Applications are received direct by the allotting office.

(e) Yes. The names are entered in the order they are received in the office.

(f) No.

No. Government do not consider any such inquiry necessary.

#### ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA

972. **\*Mr. Bhuput Sing :** Are Government aware that candidates who applied for exchanges of quarters to a higher level in Phagli in 1927, and whose names were registered in that year for such exchanges have not been given any exchange up till now whereas others who entered Government Phagli quarters later have been given such exchanges ?

If not, do Government propose to inquire into such cases and state why those candidates have not been given such exchanges up till now ? If not, why not ?

**Mr. J. A. Shillidy :** Government have no information, and have no reason to consider that an inquiry is necessary.

**ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.**

973. **\*Mr. Bhuput Sing :** Is it a fact that in the annual allotment forms sent by the Estate Officer to the various Departments for being filled in by the employees of those Departments for being provided with Government quarters at Phagli there is a column to be filled up by such candidates mentioning the quarters they would prefer to have ? If so, will Government be pleased to state whether filling up this column is treated by the Estate Officer as a renewal of application for exchange of quarters ? If not, will Government be pleased to state why such a column is printed in the form at all ?

**Mr. J. A. Shillidy :** Yes.

No.

The column is intended for new applicants. Those who hold liens on quarters but want a change have to apply separately in writing.

**ALLOTMENT OF CLERKS' QUARTERS AT PHAGLI, SIMLA.**

974. **\*Mr. Bhuput Sing :** Do Government propose to do away with the system of annual renewal of applications for exchanges of quarters in Phagli ? If not, why not ?

**Mr. J. A. Shillidy :** No. The present system has been found by experience to be the best of several tried.

**BANNING OF CERTAIN NEWSPAPERS FROM KATHIAWAR STATES.**

975. **\*Mr. S. G. Jog :** (a) Are Government aware that the delivery of certain newspapers was banned in some States of Kathiawar under the orders of the Postmaster General, Bombay ?

(b) If the reply to part (a) be in the affirmative, was the Government of India consulted before taking any such action ?

(c) Are Government aware whether any criminal action was taken against the editors of these papers ?

(d) Are Government aware whether the matter in those papers was declared to be seditious before taking action by the Postmaster General, Bombay ?

**Mr. J. A. Shillidy :** Inquiry is being made and its result will be communicated to the Honourable Member in due course.

**ARRANGEMENTS ON STEAMERS CARRYING COOLIES FROM MALAYA TO INDIA.**

976. **\*Rao Bahadur M. C. Rajah :** (a) Is it a fact that the B. I. S. N. Company chartered steamers for carrying coolies from Malaya to India ?

(b) Will Government be pleased to state :

- (i) how many such steamers have made voyages since 1st January, 1931 ;
- (ii) the capacity of each steamer for carrying passengers ;
- (iii) the number of passengers that were actually carried on each of these steamers ; and
- (iv) the number of passengers that died on each voyage, with the causes thereof ?

(c) Is it a fact that there is no canvas over the decks of these steamers ?

(d) What is the number of medical officers in attendance on the steamers with their qualifications ?

(e) What is the number of beds maintained for the sick patients on the steamers ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The information is being obtained and will be supplied to the Honourable Member in due course.

#### RESOLUTION IN THE MADRAS LEGISLATIVE COUNCIL TO RAISE MADRAS INFANTRY BATTALIONS.

977. \***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state if they are aware that a Resolution for the raising of certain Madras infantry battalions was passed in the Madras Legislative Council on the 5th August, 1931 ?

(b) Was the record of that debate forwarded to the Government of India by the Madras Government ?

(c) What action do the Government of India propose to take on that resolution ?

**Mr. G. M. Young :** (a) Yes.

(b) The Government of India have seen a copy of the proceedings of the Madras Legislative Council ; but it has not been forwarded to them officially by the Government of Madras.

(c) The whole question of the future defence of India depends upon the outcome of the constitutional discussions now proceeding, and it is therefore impossible for the Government of India to take any action for the present on the Resolution, which recommends the raising of no less than ten new regular battalions of infantry.

#### REGIMENTS ADMITTING MEMBERS OF DEPRESSED CLASSES.

978. \***Rao Bahadur M. C. Rajah :** Will Government be pleased to state the names of regiments in which the members of the depressed classes can be recruited ?

**Mr. G. M. Young :** Members of certain depressed classes are recruited to the following five units :—

- (1) Queen Victoria's Own Sappers and Miners.

- (2) 1st and 2nd Battalions and Corps Headquarters, Madras Pioneers.
- (3) 4th Indian Divisional Signals and Waziristan District Signals.

**HIGH RENTS IN BOMBAY PAID BY THE ARMY AUTHORITIES.**

979. **\*Mr. G. I. Griffiths :** (a) Will Government be pleased to state whether the letter from the General Secretary, European Association, to the Secretary, Government of India, Army Department, dated 5th June, 1931, has been received ?

(b) If the answer to part (a) is in the affirmative, what action has been taken thereon ?

(c) Is it a fact that the Army authorities still pay very high rents, i.e., Rs. 400 to Rs. 500 per mensem for residential flats in Colaba ?

(d) Are Government aware that landlords are demanding similar high rents from civilians for like accommodation in other parts of Bombay ?

**Mr. G. M. Young :** (a) Yes.

(b) Inquiries were made from the local military authorities and a reply is being sent to the Association.

(c) I am informed that the average rent paid for an officer's flat in Colaba is Rs. 450 a month. This rental was considered reasonable by the local Military Engineer Services for the accommodation provided at the time the leases were executed.

(d) I am informed that no cheaper flats were available at the time these were leased. As Colaba is not a cantonment, the military authorities have no power to regulate the rents of privately-owned flats or houses in that locality.

As the Honourable Member is no doubt aware, there is a considerable shortage of Government-owned quarters for military personnel in Bombay. Hiring of accommodation is, therefore, unavoidable. The military authorities endeavour to obtain the lowest possible rental in every case ; and, before hiring any accommodation, make inquiries into the rents paid for similar accommodation in the vicinity.

**Mr. B. Das :** Is the Honourable Member aware that the Army authorities are to-day paying the same rent in Colaba that they paid in 1922 and that they have made no efforts to see that their officers occupy premises on lower rents and reduce house-rents accordingly ?

**Mr. G. M. Young :** I am not aware of the exact rents paid to-day as compared with the rents paid in 1922. But it is certainly not a fact that the Army authorities have made no efforts to reduce rents for the accommodation provided for their officers.

**Mr. B. Das :** Is it necessary for military expediency that so many Army officers should be located at Bombay ?

**Mr. G. M. Young :** Yes.

**Mr. B. Das :** Is the Honourable Member aware that a certain Army officer pays an amount of something like Rs. 4,000 a month on the Malabar Hill for his office premises ?



**Mr. G. M. Young :** No, Sir ; I am not aware of that.

**Mr. B. Das :** Will the Honourable Member look into the matter in view of the retrenchment problem in the Army Budget ?

**Mr. G. M. Young :** The general question of hiring accommodation is under consideration in connection with retrenchment. If my Honourable friend will supply me with any facts relating to the hiring of accommodation at exorbitant rents for officers, I shall be very glad to receive them and to inquire into them.

#### PAY AND ALLOWANCES OF STAFF OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

980. **\*Mr. B. N. Misra :** (a) Are Government aware that there is a perpetual and general discontent among the staff of the Government of India attached and subordinate offices on account of the Government's treatment towards them in respect of pay and allowances ?

(b) Is it a fact that they have memorialised several times to Government for the betterment of their pay and allowances and Government have on all occasions rejected the memorials ? If so, why ?

(c) Is it a fact that there has been a great difference between the pay and allowances drawn by the Secretariat staff and the staff of the attached and subordinate offices ? If so, why ? Do Government propose to bring down all pay and allowances to the same level ? If not, why not ?

**The Honourable Sir James Crerar :** (a) and (b). The staff in question have from time to time made representations that the emoluments of attached and subordinate offices should be increased. The representations failed because Government were not satisfied that there were adequate grounds for undertaking a general revision.

(c) I would refer the Honourable Member to my answers to his question No. 938. For the reasons there offered, there seems to be no case for reducing the emoluments of the Secretariat staff and the staff of attached and subordinate offices to a common level.

#### PAY AND ALLOWANCES IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

981. **\*Mr. B. N. Misra :** (a) Is it a fact that in the Central Board of Revenue there are some men who enjoy privileges of Secretariat people while others are treated as attached office staff ? If so, why is such differential treatment in existence in the same office ?

(b) Will Government please state whether there is any difference in the quality of the work in that office for which better facilities are given to men who do it ? If so, what is the nature of the work done by each class of men who draw more pay and allowances and who are deprived of it ?

**The Honourable Sir George Rainy :** Sir, my Honourable friend, Sir George Schuster has asked me to apologise to you and to the House for his inability to be in his place this morning : with your permission I will answer the questions standing in his name.

(a) There are nine men in the office of the Central Board of Revenue who are on the Secretariat scales of pay—two Superintendents, four

Assistants and three clerks. This scale is personal to them as on the formation of the Central Board of Revenue, they were transferred from the Departments of Industries and Labour and Commerce with the Salt and Customs work respectively and were in those Departments on the Secretariat scales of pay. They were given an undertaking that by their transfer to the Central Board of Revenue, they would not be losers. Whenever any of these men retires or goes on leave, the substitutes are entertained on Attached office scales only.

(b) There is no difference in the quality of work.

#### DISCRIMINATION IN PAY BETWEEN THE SECRETARIAT AND ATTACHED AND SUBORDINATE OFFICES.

982. **\*Mr. B. N. Misra :** (a) Will Government please state whether it is not a fact that men for employment in the attached and subordinate offices and in the Secretariat are recruited by the Public Service Commission ?

(b) Is it not the fact that all passed candidates secure the same amount of marks in the examination ? If so, what is the difference in merit when a man is in the Secretariat and another is in the attached offices ? Why is such differential treatment meted out to the same class of men though holding appointments in the different offices ? Do Government propose to abolish such distinction ? If so, when ? If not, why not ?

**The Honourable Sir James Crerar :** (a) and (b). A common test is held for the Secretariat and other offices which recruit through the Public Service Commission and the candidates are arranged in the order of the marks which they secure. Those higher in the list are appointed to the Secretariat, and the others to the other offices, according to the number of vacancies available in each. Vacancies which arise after the publication of the results of the competitive examination are filled by candidates in order of merit irrespective of the fact that the particular vacancy is in the Secretariat or in an attached office. The fact that all pass the same test does not mean that all should get the same pay. The pay must depend upon the character of the post.

#### ABSORPTION OF ATTACHED AND SUBORDINATE OFFICES IN DEPARTMENTS OF THE SECRETARIAT.

983. **\*Mr. B. N. Misra :** In view of the financial stringency, do Government propose to abolish all attached and subordinate offices and make curtailment in their expenditure by making those offices as the Branches of the Departments to which they are attached at present ? If not, why not ?

**The Honourable Sir James Crerar :** The question whether attached offices can be abolished has been raised by the General Purposes Subcommittee of the Retrenchment Committee and is still under their consideration. I may say, however, that, if instead of abolishing these offices, they were to be made into branches of the Secretariat, the probabilities are that, instead of economy, there would be an increased expenditure. The abolition of subordinate offices or their amalgamation with the Departments does not appear to be a practicable proposition.

**APPOINTMENT OF ORIYAS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

984. \***Mr. B. N. Misra** : (a) Will Government be pleased to state the number of Oriyas working at present in the ministerial staff of the various Departments and the attached and subordinate offices of the Government of India ?

(b) Is it a fact that there is not a single Oriya among the permanent employees of the Government of India ? If the answer to the above is in the affirmative, what special step do Government propose to take in this direction ?

(c) Do Government propose to accord the same treatment towards Orissa as that accorded to the backward tribes and minority communities and unrepresented provinces as regards representation in the services ? If not, why not ?

(d) Will Government lay on the table a comparative statement showing the percentage of Oriyas with the men from other Provinces working at present in the Government of India ?

**The Honourable Sir James Crerar** : As explained in my reply to question No. 489 on the 16th September, Government have not undertaken to secure representation for provinces either generally or in terms of particular communities. Candidates from Orissa have equal opportunities with those from other provinces and it is not proposed to take any special action in the matter. This being the case, I do not think any useful purpose would be served by the collection of the statistics for which the Honourable Member asks.

**LOW PRICES OF WHEAT.**

985. \***Sirdar Harbans Singh Brar** (on behalf of Sirdar Sohan Singh) :

(a) Are Government aware that there are a large number of exemptions from import duty, that such exemptions have nullified the effect of that duty upon wheat prices in India and that wheat is selling at most unremunerative prices ?

(b) If so, what further action do Government intend to take to strengthen prices ?

(c) Do Government intend to introduce legislation to extend the wheat Import Duty Act to another two years ?

**The Honourable Sir George Rainy** : (a) and (b). The attention of the Honourable Member is invited to my speeches in the Legislative Assembly on the 31st March, 1931, on the Wheat (Import Duty) Bill, in which I explained that, apart from securing the Indian market for the Indian produce, the import duty was not likely to have any effect on the prices of wheat in India until the surplus existing in the Northern India markets was absorbed and that any action that could be taken would not have the effect of raising the level of prices.

(c) The conditions which rendered it necessary to pass the Wheat (Import Duty) Act, 1931, in March last unfortunately still exist, and unless there should be a material change of circumstances during the next three or four months, it will be necessary to continue the Act for a further period.

**RAILWAY FREIGHT ON WHEAT AND COTTON.**

986. \***Sirdar Harbans Singh Brar** (on behalf of **Sirdar Sohan Singh**):

(a) Are Government aware that the railway freight on wheat and cotton is very high as compared with most other commodities?

(b) Is it a fact that the freight on cotton was increased during the Great War? Has it been reduced since then? If not, why not?

(c). Do Government intend to lower the same to pre-war rates?

**Mr. A. A. L. Parsons**: (a) Railway rates for wheat are the same as for the majority of other food-grains and are comparatively low. The rates for cotton are considerably higher than those for wheat and for a number of other commodities.

(b) and (c). I would refer the Honourable Member to the reply I gave on the 9th March, 1931, to Mr. E. F. Sykes's question No. 879. No general reduction in the rates for cotton has been made since these were enhanced during the war and post-war period. The question of a reduction in the rates for cotton, full-pressed, is under examination.

†987—994.

**EXTENSION OF OPTION TO PURCHASE THE ASSAM BENGAL RAILWAY.**

995. \***Dr. Ziauddin Ahmad**: (a) Is it a fact that the Assembly on the 18th July, 1930, adopted the following amendment of Mr. Fazl Ibrahim Rahimtullah "This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company and obtain for Government one year's extension of their existing option to terminate the Company's contract on the 31st December, 1931"?

(b) What action, if any, have Government taken on this Resolution?

(c) Have Government entered into a new contract with the company? What are the terms of the contract?

(d) Will Government be pleased to lay a copy of the contract on the table?

(e) When will Government actually take the administration of the Assam Bengal Railway in their own hands?

**Mr. A. A. L. Parsons**: (a) The Honourable Member's recollection is correct.

(b) and (c). I would refer the Honourable Member to the replies given by me on the 17th instant to Mr. S. C. Mitra's question Nos. 462 and 463.

(c) The terms of the original contract provide for its continuance for another period of ten years if not determined on the 31st December, 1931. No new contract was therefore necessary.

(d) Copies of the printed volume of contracts with the Company are in the Library of the House.

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†These questions were withdrawn by the questioner.

**Dr. Ziauddin Ahmad :** Is it not a fact that the Government originally proposed to extend the term of contract for ten years and then an amendment was moved and the Government accepted that it should be extended only for one year ?

**Mr. A. A. L. Parsons :** My recollection is that Government originally proposed not to give notice of the termination of the contract,—it was not a question of extending the contract—and that what the Assembly desired was that negotiations should be entered into with the company to get an opportunity of taking over the line one year later.

**Dr. Ziauddin Ahmad :** The Assembly recommended the extension for one year. I should like to know why, without coming to the Assembly again, you yourself have extended this term for ten years.

**Mr. A. A. L. Parsons :** I must correct the Honourable Member, there was no question of extending the contract ; it was a question of not exercising the option to close the contract. The reason why the wishes of the Assembly were not fulfilled was that the Company was not prepared to give us an extension of the option.

**Dr. Ziauddin Ahmad :** If the Company did not agree to the extension by one year, why was not the matter referred to the Assembly explicitly again ? We had the last meeting in the cold weather in January, February and March.

**Mr. A. A. L. Parsons :** Our option to terminate the contract was only up to the 31st December, 1930. The Assembly did not meet again till some time late in January, 1931. It was therefore not possible to refer the matter again to the Assembly.

**Dr. Ziauddin Ahmad :** If such emergency arose, why were not all the papers laid before the Assembly as soon as it met ?

**The Honourable Sir George Rainy :** A question was put on the subject in the Assembly during the last cold weather session and was answered on the floor of the House.

#### INTERVIEW WITH SIR SAMUEL HOARE ON THE PRESS BILL.

996. **\*Mr. S. G. Jog :** (a) Is it a fact that Mr. A. Rangaswami Iyenger, a delegate to the Round Table Conference, interviewed the Right Honourable Sir Samuel Hoare, the Secretary of State for India, on the question of the Press Bill now before the House and had a discussion with him ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to announce to this House the result of that interview before the House proceeds further with the discussion on the Bill ?

**The Honourable Sir James Crerar :** (a) The Government of India have no information.

(b) Does not arise.

#### EMPLOYMENT AS A MEMBER OF THE PUBLIC SERVICE COMMISSION OF THE HEAD OF THE CRIMINAL INTELLIGENCE DEPARTMENT.

997. **\*Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if it is a fact that they propose to employ the head of the C. I. D.

now on the verge of retirement as a Member of the Public Service Commission ?

(b) If so, will Government be pleased to state what are the special qualifications of this gentleman to occupy the post ?

**The Honourable Sir James Crerar :** Under section 96-C of the Government of India Act, the Secretary of State in Council has appointed Sir David Petrie to be a Member of the Public Service Commission in a vacancy which requires under the rules to be filled by a person who has been for at least ten years in the service of the Crown in India. He selected Sir David Petrie on account of his distinguished career and wide knowledge of service matters. Sir David reaches the age of compulsory retirement from the Indian Police Service in 1934.

#### REDUCTION IN NUMBER OF MEMBERS OF THE PUBLIC SERVICE COMMISSION.

998. **\*Mr. C. S. Ranga Iyer :** (a) Is it a fact that the Retrenchment Committee have recommended the reduction in the number of the Members of the Public Service Commission from five to three ?

(b) Was this question sent to the Public Service Commission for their report ? If so, what was their report ?

(c) If they concurred in the reduction, are Government going to make it ? If not, why not ?

(d) What economy would this reduction effect per annum in the expenditure of the Government of India ?

**The Honourable Sir James Crerar :** (a) to (c). The views of the Public Service Commission on the question whether the number of Members of the Commission could be reduced to a smaller number than five were placed before the General Purposes Sub-Committee of the Retrenchment Committee. The Retrenchment Committee's observations on the subject have not yet been received, and there is no further information that I can give at present.

(d) The pay of Members of the Commission, not being Chairman, is Rs. 3,500 a month.

**Mr. C. S. Ranga Iyer :** Will the Honourable Member be pleased to say if the Public Service Commission recommend that their number should be reduced from five to three, whether the Government of India will be pleased to carry out that recommendation ?

**The Honourable Sir James Crerar :** I am afraid I cannot supply the House with an answer to that question.

**Mr. C. S. Ranga Iyer :** Are the Government aware that the Public Service Commission is so highly paid that the country cannot afford the cost and also that it need not have five Members to carry on the work that they are performing in view of the financial crisis we are at present in ?

**The Honourable Sir James Crerar :** I believe, Sir, the Honourable Member is asking me to express an opinion.

**Mr. C. S. Ranga Iyer :** Will the Honourable Member be pleased to consider the desirability of reducing the number of Members of the Public Service Commission ?

**The Honourable Sir James Crerar :** The Government will no doubt consider any recommendations on the subject which the Retrenchment Committee might make.

**Mr. Gaya Prasad Singh :** Is it a fact, Sir, that the Public Service Commission have agreed to their number being reduced from five to three ?

**The Honourable Sir James Crerar :** I have no information to that effect.

**Mr. Gaya Prasad Singh :** But this is part of the question.

**Mr. C. S. Ranga Iyer :** May I inform the Honourable Member that the Public Service Commission have so recommended ?

**Mr. K. P. Thampan :** May I know whether the Members of the Public Service Commission are full-time officers ?

**The Honourable Sir James Crerar :** Yes, Sir.

**Mr. K. P. Thampan :** Are Government satisfied that there is sufficient work for five men on the Public Service Commission ?

**Sir Lancelot Graham :** Yes.

**Mr. C. S. Ranga Iyer :** Are the Government aware that the opinion of the Public Service Commission was called for by the Retrenchment Committee ?

**The Honourable Sir James Crerar :** I have already replied in the affirmative.

**Mr. C. S. Ranga Iyer :** Will the Government be pleased to issue a communiqué as soon as they get the information on the subject as to what they propose to do in regard to the recommendation of the Retrenchment Committee ?

**The Honourable Sir James Crerar :** I must remind the Honourable Member that the appointment of Members of the Public Service Commission and the constitution of the Commission are under the control of the Secretary of State for India.

**Mr. C. S. Ranga Iyer :** Will the Government of India be pleased to recommend to the Secretary of State that the recommendations of the Public Service Commission that the number of Members should be decreased from five to three, should be accepted ?

**The Honourable Sir James Crerar :** I am afraid I must have sufficient information before I can reply to such a hypothetical question.

**Mr. Gaya Prasad Singh :** Have not the Government of India received any report from the Members of the Public Service Commission on this point ?

**The Honourable Sir James Crerar :** To the best of my knowledge we have no official proposals in this matter.

**Mr. Gaya Prasad Singh :** That is contained in part (b) of the question which asks " Was this question sent to the Public Service Commission for their report ? If so, what was their report ? " I am asking for their report. I want to know if their report has been received by Government or not ?

**The Honourable Sir James Crerar :** To the best of my recollection, Sir, the Retrenchment Committee asked for information on these points

and the papers were laid before them. What views they might have on the subject, as I have already explained, I do not yet know.

**Mr. Gaya Prasad Singh :** My point is, have you received a report from the Public Service Commission agreeing to their number being reduced from five to three ? Have you received a report or not ?

**The Honourable Sir James Crerar :** I think, Sir, the answer to that question is in the negative, but if the Honourable Member wishes me to do so, I will ascertain the facts.

**Sir Hari Singh Gour :** Is the Honourable Member prepared to assert that he has received no reply from the Public Service Commission relating to the numbers of the *personnel* of the Commission being reduced from five to three ? Was not a report called for by the Retrenchment Committee from the Public Service Commission ? Does the Honourable Member say that the Public Service Commission has made no report ?

**The Honourable Sir James Crerar :** I think the position is that the questionnaire was issued by the Retrenchment Committee, to which a reply was made by the Public Service Commission. So far as I am aware the Retrenchment Committee have not yet made any recommendation.

**Sir Hari Singh Gour :** Will the Honourable Member be pleased to give this House an opportunity of giving its views upon the subject before coming to a decision ?

**The Honourable Sir James Crerar :** I am not in a position to give the Honourable Member an assurance on that point.

**Dr. Ziauddin Ahmad :** In view of the fact that the Members of the Public Service Commission are in a better position than the Home Department to know about the quantity of work the Commission is doing, I would like to know whether the Home Department would agree to the reduction of their number if the Public Service Commission recommended that their number should be reduced from five to three ?

**The Honourable Sir James Crerar :** Their views on the subject will receive the very careful consideration of the authorities concerned.

#### APPOINTMENT AND REDUCTIONS IN MEMBERS OF THE PUBLIC SERVICE COMMISSION.

999. **\*Mr. C. S. Ranga Iyer :** Are Government prepared to give the Assembly an opportunity to discuss the propriety of appointing a C. I. D. man to the Public Service Commission and of the necessity or otherwise of bringing two posts in the Commission under retrenchment ?

**The Honourable Sir James Crerar :** The appointment of Members of the Public Service Commission is made by the Secretary of State in Council under Section 96-C. of the Government of India Act one of the objects being to ensure that that body shall be entirely independent. The Honourable Member will, I am sure, agree with me that on public grounds it is undesirable that appointments to Public Service Commission should be a matter of discussion in the Legislatures. In regard to a reduction in the number of Members of the Public Service Commission, the Government of India await proposals from the Retrenchment Advisory Committee and will give them their careful consideration when they are received.



## DEBTS OF PORT TRUSTS.

1000. \***Lala Hari Raj Swarup** : Will Government be pleased to give the following debt particulars of the major Port Trusts ? (The latest available figures may be given) :

- (a) Amount of outstanding direct loans ; (i) rupee, (ii) sterling ;
- (b) Amount of advances taken from the Government of India ;
- (c) Amount of advances taken from the Provincial Governments ;
- (d) Amount of money borrowed from such institutions as the Imperial Bank of India ; and
- (e) The amount of accumulated sinking fund in each case and the places where it is deposited ?

**The Honourable Sir George Rainy** : The Government of India are not in possession of complete information. The Port Trusts concerned have been asked to supply it, and when received it will be communicated to the Honourable Member.

## NUMBER OF EUROPEAN AND INDIAN PORT COMMISSIONERS IN THE MAJOR PORTS.

1001. \***Lala Hari Raj Swarup** : (a) Will Government be pleased to state the number of European and Indian Port Commissioners in the case of major ports in India ?

(b) When do Government propose to bring forward the necessary legislation to increase the proportion of Indians on those bodies ?

**The Honourable Sir George Rainy** : (a) A statement showing the number of European and Indian Port Commissioners at the major ports in India is laid on the table.

(b) Government do not contemplate legislation for this purpose. An increase in the proportion of Indians will follow on the accession of Indians to posts of which the holders are *ex-officio* or nominated members of the Port Trusts.

*Statement showing the number of European and Indian Port Commissioners in the major Port Trusts.*

Port.				Europeans.	Indians.	Total.
Calcutta .. ..	..	..	..	14	5	19
Chittagong .. ..	..	..	..	8	4	12
Madras .. ..	..	..	..	11	4	15
Rangoon .. ..	..	..	..	12	5*	17
Bombay .. ..	..	..	..	12	10	22
Karachi .. ..	..	..	..	8	6	14
Aden .. ..	..	..	..	8	3†	11

\*Includes Indians, Burmese and Chinese.

†Includes 1 Arab.

THE WAGON INDUSTRY.

1002. \***Lala Hari Raj Swarup** : Will Government be pleased to lay on the table a statement as regards the position of the State wagon industry ever since it was taken over by Government a few years ago, together with a few statistics of its position before it came under the present control ?

**Mr. A. A. L. Parsons** : The Honourable Member is mistaken in thinking that Government have ever taken over the wagon industry, in India ; it was always, and is now, in private hands.

TREASURY BILLS OUTSTANDING.

1003. \***Lala Hari Raj Swarup** : (a) Will Government be pleased to state (i) the amount, and (ii) the rate of interest of Treasury Bills of 3, 6, 9 and 12 months outstanding up-to-date ?

(b) Could Government give an approximate idea as to how much of the same are held as short term balances of foreign countries ?

**The Honourable Sir George Schuster** : (a) The amount of three, six and nine months Treasury Bills outstanding on the 14th September, 1931, was approximately 79½ crores. These were issued at various rates which were given in the weekly communiqués published by the Controller of the Currency. There are no 12 months' Bills outstanding.

(b) The Government of India cannot provide an accurate estimate.

OUTFLOW OF CAPITAL FOR STERLING LOANS.

1004. \***Lala Hari Raj Swarup** : (a) Has the attention of Government been drawn to newspaper reports that Bombay and Calcutta subscribed heavily to sterling loans raised in February and May last ?

(b) If so, what steps have Government taken to check the outflow of capital thus caused ?

**The Honourable Sir George Schuster** : (a) Yes.

(b) None. The Government of India understand that it would be greatly resented if Indians should be prevented from subscribing to sterling loans issued by the Government of India.

PRINCIPLES FOR INVESTMENT OF PROVIDENT FUNDS.

1005. \***Lala Hari Raj Swarup** : (a) Will Government be pleased to state if there are any principles on which Provident Funds are at present invited by Government for investment ? If so, what ?

(b) Can non-Government but aided institutions also avail themselves of the privilege ? If so, how ?

**The Honourable Sir George Schuster** : (a) The Honourable Member's question is not very easy to understand, but I would inform him that Government do not invite subscribers to Provident Funds to

withdraw their deposits so as to invest them in Government loans as their utilisation for the purpose of investment would be contrary to the provisions of the Provident Funds Act, which applies to all Government provident funds.

(b) Does not arise.

#### ANNOUNCEMENT BY THE PREMIER REGARDING FINANCIAL HELP FOR INDIA.

1006. **\*Lala Hari Raj Swarup** : (a) Will Government be pleased to state if the announcement of the Premier regarding financial help to India was made in response to some request of the Government of India ?

(b) If so, what is the nature of help demanded or expected of the British Treasury so far as the announcement is concerned ?

**The Honourable Sir George Schuster** : (a) I regret that I am unable to give any information regarding the communications which have passed between the Government of India and the Secretary of State on this subject.

(b) That will depend on circumstances if the necessity arises.

**Mr. B. Das** : Does that mean that the Government of India never asked for any credit from the British Government ?

**The Honourable Sir George Rainy** : The Honourable Member will be rash to draw inferences too hastily. I would remind the House that my Honourable Colleague, the Finance Member, when he made his statement on Thursday and again on Saturday, I think, gave all the information he was in a position to place before them.

#### RENEWAL OF THE CONTRACT WITH THE IMPERIAL BANK OF INDIA.

1007. **\*Lala Hari Raj Swarup** : Will Government be pleased to state what steps Government have taken for the renewal of the contract with the Imperial Bank of India ?

**The Honourable Sir George Schuster** : The attention of the Honourable Member is invited to the reply given by me to Mr. B. Das' starred question No. 113 on the 21st January, 1930.

#### EXCHANGE FACILITIES OF THE IMPERIAL BANK OF INDIA.

1008. **\*Lala Hari Raj Swarup** : Will Government be pleased to state with what banking institutions the Imperial Bank of India has got arrangements for the provision of exchange facilities for the sake of its regular or casual customers ? And on what terms ?

**The Honourable Sir George Schuster** : The Government of India have no information on the subject.

#### RATES FOR STERLING POST OFFICE MONEY ORDERS.

1009. **\*Lala Hari Raj Swarup** : Will Government be pleased to state what have been the rates for the sterling money orders sent through the

Post Office ever since the present statutory ratio was fixed ? (The rates may be given for full pounds.) Why are these rates fluctuating ?

**Sir Hubert Sams :** The rates for sterling remittances through the Post Office since the present statutory ratio was fixed were as follows :

From 14th February, 1928 to 7th July, 1929 ..	£1 = Rs. 13-11-0
From 8th July, 1929 to 29th August, 1929 ..	£1 = Rs. 13-15-0
From 30th August, 1929 to 1st June, 1930 ..	£1 = Rs. 13-11-0
From 2nd June, 1930 to 25th March, 1931 ..	£1 = Rs. 13-15-0
From 26th March, 1931 to 10th June, 1931 ..	£1 = Rs. 13-11-0
From 11th June, 1931 to 19th September, 1931 ..	£1 = Rs. 13-15-0

The rates fluctuate to approximate as nearly as possible to the market rate.

#### PROMOTION OF UPPER SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT.

1010. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Mr. Jagan Nath Aggarwal) : (a) Will Government be pleased to state the total number of P. W. D. Upper Subordinates on Indian State Railways, and the percentage of the Sub-Engineers (all three grades taken together), Supervisors (both the grades taken together) and Overseers (all three grades taken together) on 1st January, 1920, and on 1st October, 1929 ?

(b) Is it a fact that the percentage strength of the Sub-Engineers' grade has decreased and that of Supervisors' grade increased from 1920 to 1930 ?

(c) Is it a fact that on account of the above reduction in Sub-Engineers' grade the promotions of the P. W. D. Upper Subordinates employed on Indian State Railways have been very slow inasmuch as they have not had any promotions for the last  $2\frac{1}{2}$  to  $10\frac{1}{2}$  years ?

(d) Is it a fact that further recruitment to the P. W. D. Upper Subordinates establishment in Indian State Railways has been stopped and some of the lower grades have already disappeared inasmuch as the Overseer grade in the above establishment will cease to exist on further promotion to the class ?

(e) If answer to parts (b), (c) and (d) is in the affirmative, are Government prepared to raise the strength of Sub-Engineers' grade and allot due promotions to the Upper Subordinates and compensate them for their slow and deferred promotions ?

**Mr. A. A. L. Parsons :** (a) I am sending a statement giving the information available to the Honourable Member.

(b) Yes, the percentage of Sub-Engineers has decreased by two while that of Supervisors has increased.

(c) The reduction in the percentage of Sub-Engineers has to some extent effected the promotion of Upper Subordinates.

(d) Yes.

(e) The question of raising the strength of Sub-Engineers will be examined.

### ISSUE OF 6½ PER CENT. TREASURY BONDS.

1011. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether their attention has been drawn to the Press statements of Sir Purshotamdas Thakurdas and Mr. Jamal Mahomed on the issue of the 6½ per cent. Treasury Bonds for 1935 characterising these bonds as injurious to the real interests of the country and the floatation of the loan as suicidal ?

(b) What step or steps do Government contemplate taking to prevent the diversion of capital from commerce, industry and agriculture ?

(c) What persons and commercial bodies have protested against the issue of these new bonds ? Has any public body supported Government's action ?

(d) Were the different Chambers of Commerce in India consulted before the loan was issued ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) This is a matter of opinion. Government are not prepared to admit that these bonds have caused a diversion of capital.

(c) The Southern India Chamber of Commerce, Madras, the Federation of Indian Chambers of Commerce and Industry, and the Federation of Bombay Commercial Associations.

(d) No.

### REPORTED SEIZURE OF CONGRESS PROPERTY.

1012. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they are aware of the Press message from Mymensingh, dated 2nd September, 1931, published under the heading " Violation of Truce—Congress properties seized, Volunteers roughly handled " as published in the " *Advance* " of Calcutta of 5th September, 1931 ?

(b) If so, did Government consider it necessary to inquire into the truth or falsity of the allegations ?

(c) Were Congress sign-boards, working utensils, charkhas, national flag, actually seized by the police by raiding the Congress office ?

(d) Were volunteers roughly handled while engaged in peaceful picketing carried on in accordance with the Gandhi-Irwin agreement ?

(e) Are Government in a position to state the result of the inquiry, if any, made ?

**The Honourable Sir James Crerar :** (a) I have seen the Press message referred to.

(b) to (e). I am having enquiries made and will give the Honourable Member a reply in due course.

### DELEGATES TO THE ROUND TABLE CONFERENCE FROM BIHAR AND ORISSA.

1013. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state how many Hindus and Muhammadans have gone to London to attend the

Round Table Conference as delegates from Bihar and Orissa ? Does any of them belong to Orissa ?

(b) Who attended the first Round Table Conference and what names have been added and on what principles have the additions to the old list been made for the whole Conference ?

**The Honourable Sir George Rainy :** (a) and (b). I would refer the Honourable Member to the reply which I gave to Sardar Sant Singh's starred question No. 480 on the 17th September, 1931.

DATE OF CONCLUSION OF THE ROUND TABLE CONFERENCE AND PUBLICATION OF ITS RESULTS.

1014. **\*Mr. Bhuput Sing :** (a) Are Government in a position to state when the work of the Round Table Conference is expected to be over and when the new constitution will be introduced in this country as a result of the Conference ?

(b) Do Government contemplate publishing the news and the proceedings of the Conference in different languages in the form of bulletins in order to familiarise the general public with the work and make it popular in India ?

**The Honourable Sir George Rainy :** (a) I have no material for an estimate.

(b) No, Sir.

PROMOTION OF CLERKS TO THE LOWER DIVISION OF THE SECRETARIAT.

1015. **\*Mr. Badri Lal Rastogi :** (a) Will Government please state how many clerks qualified for the Lower Division of the Secretariat in the qualifying examination held by the Public Service Commission in 1929 ?

(b) How many of them have been provided permanently or temporarily in that Division and how many still await their chance for promotion to that Division and are at present working either in the Lower Division of the attached offices or Third Division of the Secretariat, which carry the same scales of pay ?

(c) Is it a fact that when an officer is away for any reason, the vacancy caused by his absence is immediately filled by promotion ?

(d) Is it a fact that there are Lower Division vacancies in some of the Departments of the Government of India, e.g., Foreign and Political Department, Finance Department, Agricultural Research Council, and in spite of the fact that Lower Division clerks are available in those Departments, they are not promoted to that Division but are being employed in the Third Division ?

(e) Do Government propose to promote them in such vacancies forthwith ? If not, why not ?

(f) Is it a fact that even when there were several Lower Division clerks unprovided in that Division, examination for the Lower Division was held by the Public Service Commission in 1931 ?

(g) Is it a fact that candidates who qualified for the Lower Division of the Secretariat in the 1931 examination have been provided in permanent vacancies, while those who qualified in previous examinations still remain unprovided ?

(h) Will Government please state what steps they propose to take to provide for those who qualified in examination prior to 1931 ?

(i) Do Government propose not to hold any further examination for the Lower Division of the Secretariat till these men are permanently provided ? If not, why not ?

**The Honourable Sir James Crerar :** (a) Thirty-one.

(b) The information readily available shows that in August, 1930, there were only eight men who have been provided with permanent appointments in the Second Division of the Secretariat or the First Division of attached offices. I have no information in regard to the rest.

(c) Yes, ordinarily.

(d) Yes, in the offices referred to.

(e) The matter is left to the discretion of Departments, who I understand are not overlooking the claims of qualified candidates for promotion to the Second Division.

(f) and (g). Yes.

(h) and (i). Under the recruitment scheme now in force, a proportion of vacancies in each Division must be filled by direct recruits. The Government of India have given the most careful consideration to the claims of qualified candidates serving in Lower Divisions and have come to the conclusion that no injustice is done to them by the filling of a proportion of vacancies by direct recruitment. Reasonable provision exists in the scheme for the promotion or confirmation of existing qualified men.

#### GOVERNMENT EMPLOYEES LIABLE TO INDIAN INCOME-TAX.

1016. **\*Mr. L. V. Heathcote :** (a) How many employees of Government, both Central and Provincial, including those employed by the State Railways, who are engaged in civil employment, were declared liable to Indian income-tax during either or both of the financial years 1929-30, 1930-31 ?

(b) How many Government servants in the Army and in the Army Department, not included in the number referred to in part (a) above, were declared liable to Indian income-tax in either or both of the financial years 1929-30, 1930-31 ?

**The Honourable Sir George Schuster :** (a) and (b). A statement is laid on the table giving such information as is available.

*Statement showing the number of Central Government servants, in Civil employment including Railways and Army Department declared liable to Indian income-tax during the financial years 1929-30 and 1930-31.*

	1929-30.	1930-31.
1. Central Civil Departments including Railways ..	20,598	22,131
2. Army Department .. .. .	16,706	16,451

NOTE.—The figures mentioned above are approximately correct, but may not be quite complete as they refer only to those from whom tax was deducted at the time of the disbursement of the salaries and pensions. Information regarding offices under Provincial Governments is not available. Their number may be taken as roughly two and a half times that of the officers in the Civil Departments of the Central Government including Railways.

#### RECRUITMENTS IN THE OFFICE OF THE ROYAL AIR FORCE ON THE EVE OF MOVING TO DELHI.

1017. **\*Maulvi Sayyid Murtuza Saheb Bahadur** (on behalf of Haji Chaudhury Muhammad Ismail Khan) : (a) Is it a fact that the Headquarters, Royal Air Force, India, have asked for four qualified candidates to join on the 7th October, 1931, though the office is moving down to Delhi on the 9th October, 1931 ? If so, will Government be pleased to state the reasons why those candidates could not be asked to join after the office opens in Delhi ?

(b) Will Government be pleased to state whether that would have given a saving of Rs. 500 to Government which they are paying, *viz.*, travelling allowance to those men and the payment of Delhi camp allowance ? Is it a fact that men recruited in Delhi are not entitled to the Delhi camp allowance ? If so, why have those men been asked to join on the 7th October, 1931 ?

**Mr. G. M. Young :** (a) No, Sir. The Public Service Commission was asked to direct the clerks to report at Delhi on the 15th October, if they were not already employed in Government offices in Simla, and to report in Simla, on the 7th October, if they were already so employed.

(b) No, Sir. If the clerks are already employed in Government offices, it will make no difference financially whether they join the Army Headquarters in Simla or in Delhi.

#### RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1018. **\*Mr. Muhammad Anwar-ul-Azim :** Will Government be pleased to state :

- (a) the number, in each Division of such Muslim candidates working in temporary or officiating capacity, in the Government of India Secretariat or attached offices, who have qualified in the Public Service Commission or the Staff Selection Board examinations held prior to 1931, but have not yet been confirmed in the Division for which they have qualified ;



- (b) the number of vacancies, in each Division, kept vacant for the prospective candidates coming out successful from the 1931 competitive or qualifying examination ;
- (c) the number of candidates, Muslims and non-Muslims, separately in each Division, who passed the 1931 competitive or qualifying examination ;
- (d) in the statement below, how the posts in the various Divisions have been offered to the candidates who have passed in the 1931 competitive or qualifying examination :—

	Division in which passed.	Appointment offered in					
		1st Division.		2nd Division.		3rd Division.	
		Secretariat.	Attached Office.	Secretariat.		Secretariat.	Attached Office.
Muslims .. .. .	I Dn. II Dn. III Dn.						
Non-Muslims .. .. .	I Dn. II Dn. III Dn.						

- (e) the number of posts, in each division, not yet filled in permanently ?

**The Honourable Sir James Crerar :** The information asked for is being sent to the Honourable Member separately.

#### RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1019 **\*Mr. Muhammad Anwar-ul-Azim :** (a) Is it a fact that, as a result of the 1931 competitive or qualifying examination, Government could not get an adequate number of Muslim candidates to offer them appointments with a view to adjust their poor representation in the ministerial establishment of the Government of India offices ?

(b) If the reply to (a) above be in the affirmative, are Government disposed to consider the advisability of filling in the posts not yet permanently filled in and kept vacant for Muslim candidates, as well as those posts likely to fall vacant consequent on the compulsory or voluntary retirement of officials as a result of the retrenchment campaign in vogue, by—

- (i) confirming Muslim candidates who have qualified themselves prior to 1931, and
- (ii) holding a separate competitive examination for Muslims only ?
- If not, why not ?

**The Honourable Sir James Crerar :** (a) Yes, in respect of the Third Division only.

(b) I have already explained the orders which have been issued in the matter.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

1020. \*Mr. Muhammad Anwar-ul-Azim : (a) Is it a fact that when a candidate is confirmed in any Division his name is removed from the list of candidates kept by the Public Service Commission, irrespective of the fact that he has qualified for a Division higher than the one in which he has been confirmed ?

(b) If the reply to part (a) above be in the affirmative, are Government aware of the difficulties with which the candidates especially Muslims, are confronted in securing the appointment in the Division for which they have qualified ? If so, are Government prepared to consider the desirability of keeping the names of such candidates on the list referred to above, till they have been confirmed in the Division for which they have qualified ? If not, why not ?

The Honourable Sir James Crerar : With your permission, Sir, I propose to reply to questions Nos. 1020 to 1022 together. I would refer the Honourable Member to the replies given on 22nd September, 1931, to Mr. Muhammad Muazzam Sahib Bahadur's questions Nos. 744—746.

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

†1021. \*Mr. Muhammad Anwar-ul-Azim : (a) Is it a fact that the candidates who have passed the 1931 examination have been given permanent appointments, whereas those candidates who have passed similar examinations prior to that, are working satisfactorily in the offices, and have years experience at their credit, are still working in temporary or officiating capacity ?

(b) If the reply to part (a) above be in the affirmative, will Government please state the reasons why such a preferential treatment has been meted out to the new entrants ?

RECRUITMENT AND PROMOTION OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES.

†1022. \*Mr. Muhammad Anwar-ul-Azim : (a) Is it a fact that orders have been issued by the Government of India that in regard to the passed candidates who will not be given permanent appointments (or will not be confirmed) up to a specified limit (up to 30th September, 1931, for the present) the fact of their having passed the prescribed test will be considered as null and void ?

(b) If the reply to part (a) above be in the affirmative, are Government disposed to confirm Muslim candidates who have qualified themselves prior to 1931 *immediately*, so that they may not be affected adversely by the orders referred to above, after 30th September, 1931 ? If not, why not ?

†For answer to this question, see answer to question No. 1020.

## CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

1023. \*Mr. Muhammad Anwar-ul-Azim : Will Government please lay down particulars of the clerical establishment of the Railway Board office in the statements A and B below ?—

## A

*Statement showing strength of clerical establishment of the Railway Board office at the end of each of the last five years.*

	31-3-27.			31-3-28.			31-3-29.			31-3-30.			31-3-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
Permanent—															
(i) Total No. of employees in each Division.															
(ii) No. of Muslim employees in each Division.															
Temporary—															
(i) Total No. of employees in each Division.															
(ii) No. of Muslim employees in each Division.															

## B

*Statement showing vacancies occurred and filled in in the clerical establishment of the Railway Board office during the last five years.*

	1926-27.			1927-28.			1928-29.			1929-30.			1930-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
Permanent—															
(i) Total No. of vacancies occurred in each Division.															
(ii) No. of vacancies filled by Muslims in each Division.															
Temporary—															
(i) Total No. of vacancies occurred in each Division.															
(ii) No. of vacancies filled in by Muslims.															

Mr. A. A. L. Parsons : A statement is being sent to the Honourable Member.

CADRES IN THE POSTAL DEPARTMENT IN BURMA.

1024. **\*Mr. Muhammad Anwar-ul-Azim :** (a) Will Government be pleased to state whether prior to 1st January, 1930, all appointments in the grade of Rs. 250—350 in the Rangoon General Post Office, Burma Mofussil Post Offices and the Circle Office were on a common cadre ? Were such appointments interchangeable ?

(b) Is it a fact that an official in the grade of Rs. 250—350 either from the Rangoon General Post Office or Burma Mofussil Post Office was liable to be transferred to the Circle Office without any prejudice to his future prospects ?

(c) Is it a fact that the Circle Office was made a self-contained cadre and was separated from the rest of the Post Office and R. M. S. with effect from the 1st January, 1930 ?

(d) Is it not the policy of Government to protect an official from any adverse effect arising out of an administrative arrangement ?

**Sir Hubert Sams :** (a) Yes.

(b) Liability to transfer between the units mentioned by the Honourable Member existed. Prospects were as they existed at the time.

(c) Yes.

(d) Instructions were issued on the occasion referred to in part (c) that, if any individual case merited special consideration, it should be reported in detail by the Postmaster General for orders.

ALLEGATIONS AGAINST AN EXECUTIVE ENGINEER OF THE PUBLIC WORKS DEPARTMENT, DELHI.

1025. **\*Mr. Muhammad Muazzam Sahib Bahadur :** With reference to the reply given by Government on the 23rd March, 1931, to Sir Muhammad Yakub's questions Nos. 1086 and 1091 during the last Delhi Session of this House, will Government be pleased to state whether the said questions were referred to the Central Public Works Department ? If so, will Government place on the table the explanation received ?

**Mr. J. A. Shillidy :** The questions were referred to the Chief Engineer, Central Public Works Department. No explanations were called for, as it was not necessary to do so.

TRANSFER OF DR. DEISH, ASSISTANT SURGEON, COMBINED HOSPITAL, NEW DELHI.

1026. **\*Mr. Muhammad Muazzam Sahib Bahadur :** Will Government please state if Dr. Deish, the New Delhi Assistant Surgeon, who has served for ten years in the Combined Hospital, New Delhi, has been transferred in pursuance of the promise held out by Government at the last session of the Assembly that steps were being taken to have him transferred ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** It is not a fact that Dr. Deish, Assistant Surgeon, New Delhi, has been serving for ten years in the Combined Hospital or that any promise was made during the last session of the House that steps were being taken to have him transferred. What was said was that the question of his transfer would be considered in due course. That promise will be kept.

PARTNERSHIP IN AN ELECTRICAL FIRM OF THE EXECUTIVE ENGINEER, VII PROJECT DIVISION, NEW DELHI.

1027. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Will Government state if it is a fact that Mr. Soi, Executive Engineer, VII Project Division, is a partner in an electrical firm in Bombay ? Is it a fact that electrical goods have been ordered from this firm for Government use ?

**Mr. J. A. Shillidy** : The reply to the first part of the question is in the negative. The second part does not arise.

POWER HOUSE SUPERINTENDENTS IN NEW DELHI.

1028. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Is it a fact that there are two Power House Superintendents in New Delhi ? Are Government prepared to consider the necessity of engaging one whole-time qualified Superintendent ?

**Mr. J. A. Shillidy** : No. There is one Superintendent, and an Assistant Superintendent. The existing staff is considered adequate.

QUANTITY OF ELECTRICAL GOODS BOOKED AND USED FOR THE GENERAL POST OFFICE, KASHMIR GATE, DELHI.

1029. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Will Government please state what quantity of conduit and other electrical goods were charged and booked against the work of installing electric light and fan points in the new building of the General Post Office, Kashmir Gate, Delhi ? Is it a fact that far less quantity than was ordered was actually used ?

**Sir Hubert Sams** : Enquiry is being made and the information will be supplied to the Honourable Member separately.

ALLEGED SALE OF COAL FROM THE POWER HOUSE IN NEW DELHI.

1030. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Are Government aware that large quantities of coal from the Power House, Public Works Department, New Delhi, are being sold privately in the bazaar and that a portion is being privately utilised by some of the VII Division staff ?

**Mr. J. A. Shillidy** : Government have no information.

MAINTENANCE OF ELECTRIC INSTALLATIONS AND ROAD LIGHTING IN OLD DELHI.

1031. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Is it a fact that in the absence of Mr. Prabhu the work of maintenance of electric installations and road lighting in Old Delhi was recently in charge of one electric assistant only and is it a fact that now there are two highly paid men ? If so, do Government propose to reduce the expenditure ?

**Mr. J. A. Shillidy** : The reply is in the negative.

REPRESENTATION OF COMMUNITIES IN THE OFFICE OF THE EXECUTIVE ENGINEER, VII DIVISION, NEW DELHI.

1032. **\*Mr. Muhammad Muazzam Sahib Bahadur** : Will Government state how the several communities are represented in the office of the

Executive Engineer, VII Division, New Delhi, and on the outdoor work connected therewith ?

**Mr. J. A. Shillidy** : As regards office staff, the numbers are : Hindus thirteen, Muslims six, Sikhs six, Indian Christians none, total 25 ; while the corresponding numbers in the case of outdoor staff are 132, 41, 45, 4 and 222, respectively. But I may remind the Honourable Member that the staff is only part of a common cadre.

#### WORKING HOURS IN THE SECRETARIAT.

1033. \***Maulvi Sayyid Murtuza Saheb Bahadur** : Will Government be pleased to state as to :

- (a) what the working hours in the Secretariat are ;
- (b) whether they are uniform or vary in the several Branches of the Secretariat ;
- (c) whether it is a fact that in many Branches of the Secretariat the clerks are obliged to work for 9 or 10 hours a day ; and
- (d) whether they are prepared to issue orders that the circular setting forth working hours is acted up to ?

**The Honourable Sir James Crerar** : (a) and (b). The question of office hours is, within limits, one for each Department to decide for itself but generally the prescribed hours of work in the Secretariat are from 10-30 A.M. to 4-30 P.M. except on Saturdays when the hours are usually 10-30 A.M. to 2 P.M.

(c) It sometimes happens that in the exigencies of the public service, members of the office staff are required to work longer hours than those mentioned.

(d) No, Sir.

#### ABOLITION OF THE POST OF ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

1034. \***Maulvi Sayyid Murtuza Saheb Bahadur** : (a) Is it a fact that as long as Mr. Watkins remained the Superintendent of Education for Delhi and Ajmer-Merwara there was no Assistant Superintendent of Education for Ajmer-Merwara ?

(b) Will Government please state if it is a fact that some one was appointed as Assistant Superintendent of Education, Ajmer-Merwara, after the abolition of the post of the whole-time Superintendent of Education for Delhi and Ajmer-Merwara in 1922 ?

(c) Is it a fact that on the appointment of a whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India in April 1931, the post of the Assistant Superintendent of Education, Delhi, was abolished ?

(d) Will Government please state whether, in these days of extreme financial stringency and on the appointment of a whole-time Superintendent of Education, Government propose to consider the abolition of the post of Assistant Superintendent of Education, Ajmer-Merwara ? If not, why not ?

(e) If the reply to part (d) above is in the negative, will Government please state why they abolished the post of the Assistant Superintendent of Education, Delhi, after the appointment of the whole-time Superintendent of Education ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (c). Yes.

(b) The post of whole-time Superintendent of Education for Delhi and Ajmer-Merwara was held in abeyance from 1923 to 1931, while the post of Assistant Superintendent of Education in Ajmer-Merwara was created in 1925.

(d) Government have considered the suggestion and have come to the conclusion that the retention of the post is necessary.

(e) It was decided to abolish the post of Assistant Superintendent of Education, Delhi, as the whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India has his headquarters at Delhi, and the retention of the former post at Delhi could not in consequence be justified. The conditions at Ajmer-Merwara are quite different. It is essential that a whole-time officer, such as the Assistant Superintendent of Education, should be on the spot for ready consultation by the local authorities in educational matters.

**Mr. Gaya Prasad Singh :** With regard to part (b) of the question in which a recommendation has been made for the abolition of the post of Assistant Superintendent of Education, Ajmer-Merwara, may I know if the post is held by a Muslim or a non-Muslim ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** It is very difficult for me to carry in my head the officers in my Department and the communities to which they belong.

**Mr. Gaya Prasad Singh :** Is the Honourable Member aware that the post is held by Mr. Joshi who is a Hindu ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** No.

**Rai Sahib Harbilas Sarda :** Is it a fact that there never was a whole-time appointment of Assistant Superintendent of Education for Delhi and that the Headmaster of a High School at Delhi was appointed Assistant Superintendent to do the work of that appointment in addition to his work as Headmaster ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** It is quite possible.

**Rai Sahib Harbilas Sarda :** Is it also a fact that the Superintendent of Education has all along been located at Delhi, and that even when the Educational Commissioner to the Government of India, was *ex-officio* Superintendent of Ajmer-Merwara and Delhi, he had his headquarters at Delhi and paid only furtive visits to Ajmer, probably for three or four days in a year ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I should have expected that.

#### INSPECTION OF SCHOOLS IN AJMER-MERWARA.

1035. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please place on the table of the House a list of recognised schools in Ajmer-Merwara ?

(b) Is it a fact that the Assistant Superintendent of Education, Ajmer-Merwara, does not inspect the Primary Schools ?

(c) Is it also a fact that the Assistant Superintendent of Education, Ajmer-Merwara, does not inspect the High Schools in Ajmer-Merwara ?

(d) Will Government please state the duties of the Assistant Superintendent of Education, Ajmer-Merwara ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain :** (a) A list of all schools recognised in Ajmer-Merwara on the 1st April, 1931, is placed on the table.

(b) No.

(c) The Assistant Superintendent of Education assists the Superintendent of Education in the inspection of High Schools.

(d) A statement is laid on the table.

*List of all recognised colleges and schools in Ajmer-Merwara and along the Railway line in Rajputana, posted up to April 1st, 1931.*

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
1	Ajmer-Merwara.	Ajmer ..	<i>Government Colleges.</i> Government College .. ..	B.A., B.Sc.	
1	Do. ..	Beawar ..	<i>Aided Colleges.</i> S. D. Inter College in Commerce	C.D.	
1	Do. ..	Ajmer ..	<i>Government A. V. High School for Males.</i> Government High School ..	X	
2	Do. ..	Do. ..	Moinia Islamia High School ..	X	
1	Do. ..	Do. ..	<i>Aided A. V. High Schools for Males.</i> D. A. A. V. High School ..	X	
2	Do. ..	Do. ..	Husband Memorial High School	X	
3	Do. ..	Do. ..	Oswal Jain High School ..	X	
4	Do. ..	Nasirabad	Cantonment Mission High School	X	
5	Do. ..	Beawar ..	Mission High School ..	X	
6	Do. ..	Do. ..	Sanatan Dharma High School	X	
7	Sirohi ..	Abu Road	Railway A. V. High School ..	X	
1	Ajmer-Merwara.	Ajmer ..	<i>Aided High School for Indian Females.</i> Sophia High School .. ..	IX	Cambridge Junior and Senior and High School Examinations.
..	Do. ..	Nasirabad	Christian Girls A. V. Middle School. .. ..	X	



No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Aided European High School for Males.</i>		
1	Ajmer-Merwara	Ajmer ..	St. Anselm's High School ..	X	Senior Cambridge examination.
			<i>Aided European High School for Females.</i>		
1	Do. ..	Do. ..	Convent High School ..	X	Senior Cambridge examination.
			<i>Technical School.</i>		
1	Do. ..	Do. ..	Railway Technical School ..	..	Candidates work as paid apprentice for Railway employment only.
			<i>Aided A. V. Middle Schools for Males.</i>		
1	Do. ..	Do. ..	Railway Adler School ..	VI	
2	Do. ..	Do. ..	Agarwal Pathshala ..	V	
3	Do. ..	Kekri ..	Municipal A. V. Middle School	VIII	
4	Rajputana	Mt. Abu ..	Walter A. V. Middle School ..	VIII	
5	Jaipur	Bandikhui	Railway A. V. Middle School ..	VIII	
6	Do. ..	Phulera ..	Ditto ..	VIII	
7	..	Nasirabad	Veoparik Pathshala ..	VIII	
			<i>Aided A. V. Middle School for Females.</i>		
1	Ajmer-Merwara.	Ajmer ..	<i>U. F. C. Mission School for Females.</i>	VI	
2	Do. ..	Ajmer ..	M. E. Mission ..	VI	
			<i>Government Vernacular Middle School for Males.</i>		
1	Do. ..	Pushkar ..	Vernacular Secondary School ..	VII	
2	Do. ..	Pisangan	Ditto ..	VII	
3	Do. ..	Bhinai ..	Ditto ..	VII	
4	Do. ..	Sawar ..	Ditto ..	VII	
5	Do. ..	Saradhna	Ditto ..	VII	
6	Do. ..	Deolai ..	Ditto ..	VII	

Q.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Government Vernacular Middle Schools for Males—contd.</i>		
7	Ajmer-Merwara.	Shreenagar	Vernacular Secondary, School	VII	
8	Do. ..	Jalia ..	Ditto ..	VII	
9	Do. ..	Masuda ..	Ditto ..	VII	
10	Do. ..	Bhim ..	Ditto ..	VII	
11	Do. ..	Harmara	Ditto ..	VII	
12	Do. ..	Ajmer ..	Model School, Mirshali	VII	
			<i>Government A. V. Middle School for Females.</i>		
1	Do. ..	Do. ..	Central Girls' School ..	VIII	
			<i>Aided Vernacular Middle Schools for Males.</i>		
1	Do. ..	Beawar ..	Mission Vernacular Final School	VII	
2	Do. ..	Ajmer ..	Saidia Vernacular Middle School	VI	
			<i>Recognised Vernacular Middle School for Males.</i>		
1	Do. ..	Beawar ..	Holland Municipal Middle School	VII	
			<i>Aided Vernacular Middle Schools for Females.</i>		
1	Do. ..	Ajmer ..	Arya Putri Pathshala ..	VI	
2	Do. ..	Nasirabad	Christian Girls' Vernacular Boarding School ..	VI	
3	Do. ..	Beawar ..	Mission Girls' School, Piplia Bazar.	VI	
4	Do. ..	Beawar ..	Society Girls' School ..	VI	
5	Do. ..	Ajmer ..	Sri Savitri Kanya Pathshala ..	VI	
			<i>Aided European Primary Schools (for both sexes).</i>		
1	..	Ajmer ..	Railway European School ..	IV	
2	Sirohi ..	Abu Road	Ditto ..	IV	
3	..	(Bandikui)	Ditto ..	IV	
4	Jaipur ..	{ Phulera Gangapur. }	Ditto ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
1	Ajmer-Merwara.	Ajmer ..	<i>Government Vernacular and A. V. Training School for Males.</i> Government Normal School ..	V. T. C. & C. T.	
1	Do. .	Beawar ..	<i>Recognised Training School for Males.</i> Mission Training School ..	P. T. C.	
1	Do. ..	Nasirabad	<i>Recognised Training School for Females.</i> Christian Girls' Boarding Training School ..	V. T. C.	
1	Do. ..	Ajmer ..	<i>Government Vernacular Primary Schools for Males.</i> Model School, Mirshali (Ajmer Circle).	IV	
2	Do. ..	Ararka ..	Vernacular Primary School ..	IV	
3	Do. ..	Bhinai ..	Ditto ..	IV	
4	Do. ..	Brikchiawas	Ditto ..	IV	
5	Do. ..	Bandanwara.	Ditto ..	IV	
6	Do. ..	Bhanvta ..	Ditto ..	IV	
7	Do. ..	Beer ..	Ditto ..	IV	
8	Do. ..	Bergaon ..	Ditto ..	IV	
9	Do. ..	Barli ..	Ditto ..	IV	
10	Do. ..	Bajta ..	Ditto ..	IV	
11	Do. ..	Bogla ..	Ditto ..	IV	
12	Do. ..	Baghera ..	Ditto ..	IV	
13	Do. ..	Bithur ..	Ditto ..	IV	
14	Do. ..	Bagsuri ..	Ditto ..	IV	
15	Do. ..	Chachiawas	Ditto ..	IV	
16	Do. ..	Chanpaneri	Ditto ..	IV	
17	Do. ..	Deoli ..	Ditto ..	IV	
18	Do. ..	Deolia ..	Ditto ..	IV	
19	Do. ..	Dhani ..	Ditto ..	IV	
20	Do. ..	Dhundri ..	Ditto ..	IV	
21	Do. ..	Dabrela ..	Ditto ..	IV	
22	Do. ..	Deogan ..	Ditto ..	IV	
23	Do. ..	Dantra ..	Ditto ..	IV	
24	Do. ..	Deranthu	Ditto ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Government Vernacular Primary School for Males—contd.</i>		
25	Ajmer-Merwara.	Govindgarh	Vernacular Primary School ..	IV	
26	Do. ..	Gagwada ..	Do. .. ..	IV	
27	Do. ..	Ghatiali ..	Do. .. ..	IV	
28	Do. ..	Goela ..	Do. .. ..	IV	
29	Do. ..	Gulgaon ..	Do. .. ..	IV	
30	Do. ..	Gola ..	Do. .. ..	IV	
31	Do. ..	Harmara	Do. .. ..	IV	
32	Do. ..	Thilawara	Do. .. ..	IV	
33	Do. ..	Junia ..	Do. .. ..	IV	
34	Do. ..	Jhipian ..	Do. .. ..	IV	
35	Do. ..	Jethana ..	Do. .. ..	IV	
36	Do. ..	Kadera ..	Do. .. ..	IV	
37	Do. ..	Khawas ..	Do. .. ..	IV	
38	Do. ..	Karel ..	Do. .. ..	IV	
39	Do. ..	Karonj ..	Do. .. ..	IV	
40	Do. ..	Kalesra	Do. .. ..	IV	
41	Do. ..	Kerote ..	Do. .. ..	IV	
42	Do. ..	Kanpura	Do. .. ..	IV	
43	Do. ..	Kharekri	Do. .. ..	IV	
44	Do. ..	Kumharia	Do. .. ..	IV	
45	Do. ..	Khanpura	Do. .. ..	IV	
46	Do. ..	Kekri ..	Do. .. ..	IV	
47	Do. ..	Mahrn ..	Do. .. ..	IV	
48	Do. ..	Makrera ..	Do. .. ..	IV	
49	Do. ..	Nagelao ..	Do. .. ..	IV	
50	Do. ..	Nareli ..	Do. .. ..	IV	
51	Do. ..	Nyaran ..	Do. .. ..	IV	
52	Do. ..	Nand ..	Do. .. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Government Vernacular Primary School for Males—contd.</i>		
53	Ajmer-Merwara.	Nandsi ..	Vernacular Primary School ..	IV	
54	Do. ..	Nagola ..	Do. ..	IV	
55	Do. ..	Pushkar ..	Do. ..	IV	
56	Do. ..	Pisangan	Do. ..	IV	
57	Do. ..	Piplaj ..	Do. ..	IV	
58	Do. ..	Pranhera..	Do. ..	IV	
59	Do. ..	Paran ..	Do. ..	IV	
60	Do. ..	Picholian	Do. ..	IV	
61	Do. ..	Ramser ..	Do. ..	IV	
62	Do. ..	Rajgarh ..	Do. ..	IV	
63	Do. ..	Rajosi ..	Do. ..	IV	
64	Do. ..	Singawal	Do. ..	IV	
65	Do. ..	Sanod ..	Do. ..	IV	
66	Do. ..	Sarana ..	Do. ..	IV	
67	Do. ..	Sarandhna	Do. ..	IV	
68	Do. ..	Shreenagar	Do. ..	IV	
69	Do. ..	Satawaria	Do. ..	IV	
70	Do. ..	Sadara ..	Do. ..	IV	
71	Do. ..	Tanthoti	Do. ..	IV	
72	Do. ..	Tabiji ..	Do. ..	IV	
73	Do. ..	Tihari ..	Do. ..	IV	
74	Do. ..	Taragarh..	Do. ..	IV	
75	Do. ..	Tilonia ..	Do. ..	IV	
76	Do. ..	Untra ..	Do. ..	IV	
77	Do. ..	Andhidevri	Do. ..	IV	
78	Do. ..	Bhim ..	Do. ..	IV	
79	Do. ..	Baghana	Do. ..	IV	
80	Do. ..	Barar ..	Do. ..	IV	
81	Do. ..	Barakhan	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Government Vernacular Primary School for Males—contd.</i>		
82	Ajmer-Merwara.	Barakhhera	Vernacular Primary School ..	IV	
83	Do. ..	Bali ..	Do. .. ..	IV	
84	Do. ..	Baral ..	Do. .. ..	IV	
85	Do. ..	Biliawas ..	Do. .. ..	IV	
86	Do. ..	Bijainagar	Do. .. ..	IV	
87	Do. ..	Bar ..	Do. .. ..	IV	
88	Do. ..	Baylan ..	Do. .. ..	IV	
89	Do. ..	Chhapli ..	Do. .. ..	IV	
90	Do. ..	Chitar ..	Do. .. ..	IV	
91	Do. ..	Chang ..	Do. .. ..	IV	
92	Do. ..	Dawer ..	Do. .. ..	IV	
93	Do. ..	Dewanta	Do. .. ..	IV	
94	Do. ..	Delwara ..	Do. .. ..	IV	
95	Do. ..	Durgawas	Do. .. ..	IV	
96	Do. ..	Hanutiya	Do. .. ..	IV	
97	Do. ..	Jhak ..	Do. .. ..	IV	
98	Do. ..	Jaitgarh ..	Do. .. ..	IV	
99	Do. ..	Jalia ..	Do. .. ..	IV	
100	Do. ..	Jamola ..	Do. .. ..	IV	
101	Do. ..	Jawaja ..	Do. .. ..	IV	
102	Do. ..	Kachhbali	Do. .. ..	IV	
103	Do. ..	Kotra ..	Do. .. ..	IV	
104	Do. ..	Kukia ..	Do. .. ..	IV	
105	Do. ..	Kalalia ..	Do. .. ..	IV	
106	Do. ..	Kaldeh ..	Do. .. ..	IV	
107	Do. ..	Kukerkhera	Do. .. ..	IV	
108	Do. ..	Kabra ..	Do. .. ..	IV	
109	Do. ..	Kirap ..	Do. .. ..	IV	
110	Do. ..	Kharwa ..	Do. .. ..	IV	

No. 1	District. 2	Locality. 3	Name of School. 4	Highest standard taught. 5	Remarks. 6
			<i>Government Vernacular Primary School for Males—conold.</i>		
111	Ajmer- Merwara.	Kania ..	Vernacular Primary School ..	IV	
112	Do. ..	Liri ..	Do. ..	IV	
113	Do. ..	Lotiana ..	Do. ..	IV	
114	Do. ..	Lulwa ..	Do. ..	IV	
115	Do. ..	Lakhaguda	Do. ..	IV	
116	Do. ..	Lamba ..	Do. ..	IV	
117	Do. ..	Miyalakhhet	Do. ..	IV	
118	Do. ..	Masuda ..	Do. ..	IV	
119	Do. ..	Mangarh	Do. ..	IV	
120	Do. ..	Naikalan	Do. ..	IV	
121	Do. ..	Nandwara	Do. ..	IV	
122	Do. ..	Nayagaon	Do. ..	IV	
123	Do. ..	Pipli ..	Do. ..	IV	
124	Do. ..	Rajawas..	Do. ..	IV	
125	Do. ..	Rawatmal	Do. ..	IV	
126	Do. ..	Ramgarh	Do. ..	IV	
127	Do. ..	Rupnagar	Do. ..	IV	
128	Do. ..	Sawar ..	Do. ..	IV	
129	Do. ..	Sathana ..	Do. ..	IV	
130	Do. ..	Saroth ..	Do. ..	IV	
131	Do. ..	Shyamgarh	Do. ..	IV	
132	Do. ..	Shikhari ..	Do. ..	IV	
133	Do. ..	Sendra ..	Do. ..	IV	
134	Do. ..	Sheopura	Do. ..	IV	
135	Do. ..	Sarmalian	Do. ..	IV	
136	Do. ..	Tikarwas..	Do. ..	IV	
137	Do. ..	Toghi ..	Do. ..	IV	
138	Do. ..	Taragarh	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
<i>Females.</i>					
1	Ajmer-Merwara.	Pushkar	Government Vernacular Girls' Primary School .. ..	IV	
2	Do. ..	Masuda ..	Do. ..	IV	
3	Do. ..	Kekri ..	Do. ..	IV	
4	Do. ..	Shrinagar	Do. ..	IV	
5	Do. ..	Pisangan..	Do. ..	IV	
6	Do. ..	Barar ..	Do. ..	IV	
7	Do. ..	Deoli ..	Do. ..	IV	
8	Do. ..	Sawar ..	Do. ..	IV	
9	Do. ..	Bhinai ..	Do. ..	IV	
10	Do. ..	Harmara	Do. ..	IV	
11	Do. ..	Bijainagar	Do. ..	IV	
12	Do. ..	Todgarh ..	Do. ..	IV	
<i>Recognised Primary Schools.</i>					
(Aided by Government or Local Board.)					
<i>MALES.</i>					
1	Ajmer-Merwara.	Ajmer ..	D. A. A. V. Primary School ..	II	
2	Do. ..	Do. ..	Husband Memorial Primary School.	II	
3	Do. ..	Do. ..	Railway Adler Primary School	II	
4	Do. ..	Do. ..	Agrawal Primary School ..	II	
5	Do. ..	Do. ..	Oswal Primary School ..	II	
6	Do. ..	Do. ..	Madarsa Himayatul Islam ..	IV	
7	Do. ..	Do. ..	Madarsa Moinul Islam ..	IV	
8	Do. ..	Do. ..	(Akbari Masjid). Islamia Moinia Dargah Orphanage. Primary School.	IV	
9	Do. ..	Do. ..	Saidia Primary School ..	IV	
10	Do. ..	Do. ..	Gujrati Primary School ..	IV	
11	Do. ..	Do. ..	Gulab Bari Primary School ..	IV	
12	Do. ..	Ajmer Circle.	Mission Primary Schools (4) ..	IV	



No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
			<i>Recognised Primary Schools— contd. (Aided by Government or Local Board.)</i>		
13	Ajmer-Merwara.	Beawar ..	Mission Primary School ..	II	
14	Do. ..	Do. ..	Sanatan Dharma Primary School	II	
15	Do. ..	Todgarh ..	Mission Primary School ..	IV	
16	Do. ..	Beawar ..	Shanti Jain Primary School ..	IV	
17	Do. ..	Merwara Circle.	Mission Primary Schools (8) ..	IV	
18	Do. ..	Nasirabad Circle.	Mission Primary Schools (9) ..	IV	
19	Do. ..	Nasirabad	Vioparik Primary School ..	II	
20	Do. ..	Do. ..	Mission Primary School ..	II	
21	Do. ..	Do. ..	D. A. V. Primary School ..	II	
22	Sirohi ..	Abu Road	Railway Primary School ..	II	
23	Jaipur ..	Gangapur	Do. ..	IV	
24	Do. ..	Bandikui..	Do. ..	II	
25	Do. ..	Phulera ..	Do. ..	II	
			<b>FEMALES.</b>		
1	Ajmer-Marwara.	Ajmer ..	Railway Adler Girls' Primary School.	IV	
2	Do. ..	Do. ..	Sophia Girls' Primary School ..	II	
3	Do. ..	Do. ..	Sultania Girls' Primary School	IV	
4	Do. ..	Do. ..	Savitri Primary School ..	II	
5	Do. ..	Do. ..	Moinia Girls' Primary School ..	II	
6	Do. ..	Do. ..	M. E. Mission Primary School	II	
7	Do. ..	Do. ..	Drynan Repressed class primary School.	II	
8	Do. ..	Do. ..	Lakhan Kotri Primary School..	II	
9	Do. ..	Do. ..	Sita Kanya Primary School ..	IV	
10	Do. ..	Beawar	Mission Primary School (Suraj-pole).	IV	
11	Do. ..	Nasirabad	Kanya Pathshala ..	IV	
12	Jaipur ..	Bandikui..	Railway Indian Girls' Primary School.	IV	
13	Sirohi ..	Abu Road	Do. ..	IV	

No.	District.	Locality.	Name of School.	Highest standard taught.	Remarks.
1	2	3	4	5	6
<i>Municipal Schools. Males.</i>					
1	Ajmer-Merwara.	Ajmer ..	Moinia Islamia Primary School	IV	
2	Do. ..	Do. ..	City Vernacular Primary School	IV	
3	Do. ..	Beawar ..	Holland Municipal Primary School.	II	
4	Do. ..	Do. ..	Municipal Primary School (Shahpura).	IV	
5	Do. ..	Do. ..	Municipal Primary School (Surajpore).	IV	
6	Do. ..	Do. ..	Municipal Primary School (Bicharli).	IV	
7	Do. ..	Do. ..	Night school (Bicharli) ..	IV	
<i>FEMALES.</i>					
1	Ajmer-Merwara.	Ajmer ..	Municipal Girls' Primary School (Naya Bazar)	IV	
2	Do. ..	Do. ..	Do. .. (Mohalla Hindu Mochian).	IV	
3	Do. ..	Do. ..	Municipal Girls' Primary School (Diggi Bazar).	IV	
4	Do. ..	Do. ..	Municipal Girls' Primary School (Nagra).	IV	
5	Do. ..	Do. ..	Municipal Girls' Primary School (Khari Kunwa).	IV	
<i>Indigenous Schools aided by Local Board.</i>					
1	Ajmer Merwara.	Somalpur	Muslim League Primary School	II	
2	Do. ..	Rasulpur..	Do. ..	II	
3	Do. ..	Hatundi	Do. ..	II	
4	Do. ..	Ajesar ..	Do. ..	II	
5	Do. ..	Makupura	Do. ..	II	
6	Do. ..	Madarpura	Hindu Sabha Primary School ..	II	
7	Do. ..	Atitmand	Do. ..	II	
8	Do. ..	Athun ..	Do. ..	II	
9	Do. ..	Jethana ..	Adult Night School ..	IV	
10	Do. ..	Bhim ..	Do. ..	IV	
11	Do. ..	Jalia ..	Do. ..	IV	

No.	District.	Locality.	Name of school.	Highest standard taught.	Remarks
1	2	3	4	5	6
<i>Indigenous Schools aided by Local Board—contd.</i>					
12	Ajmer-Merwara.	Kukra ..	Adult Night School ..	IV	
13	Do. ..	Jawaja ..	Do. ..	IV	
14	Do. ..	Bhawani-khera.	St. Martin Mission Primary School.	IV	
15	Do. ..	Bhadole ..	Mission Primary School ..	II	
16	Do. ..	Dorai ..	Do. ..	II	
<i>Oriental Institutions.</i>					
(Aided by local Boards.)					
1	Ajmer Merwara.	Ajmer ..	Sanskrit Hitaishni Pathshala ..	..	Prathma and Madhyama examina-tions of Benares Hindu Uni-versity.
2	Do. ..	Beawar ..	Sanskrit Pathshala ..	..	
3	Do. ..	Nasirabad	Do. ..	..	
4	Do. ..	Pushkar ..	Do. ..	..	

*Statement showing the duties assigned to the Assistant Superintendent of Education, Ajmer-Merwara.*

1. Signing the pay, contingent and travelling bills of the Sub-Deputy Inspector, Office and all the Government Primary and Middle Schools as well as of the Government Normal School, Ajmer.

2. Grant of leave, casual and otherwise, to the officials given in paragraph 1 above, within the sanctioned allotment for travelling allowance and leave salary.

3. Disposal of miscellaneous papers referring to the Indian Aided High, Middle and Primary Schools, for boys and girls.

4. Appointing menials in the Government Middle and Primary Schools within the sanctioned pay.

5. Appointing teachers in Government Middle and Primary Schools up to and including Rs. 30 per mensem and with the concurrence of the Superintendent of Education above Rs. 30 per mensem.

6. All cases dealing with transfer of boys from one school to another.

7. Inspection of all the Indian Government and aided schools, males and females except Government College, Government High School, Moinia Islamia High School and Government Normal School.

8. All correspondence in connection with the middle school examination of boys and girls, the Vernacular Teachers' Certificate Examination and the Normal School Examination.

9. Preparation of Educational Budget subject to the approval of the Superintendent of Education.

10. Preparation of educational returns and draft report.

11. Preparation of draft progress report for submission to Commissioner.

12. Recognition of schools and inter-school rules except that the recognition of High Schools may be made with the previous sanction of the Superintendent of Education.

13. The disposal of routine and miscellaneous questions, *i.e.*, circulation of routine orders received from the Accountant General, Central Revenues, etc.

14. Calculation of grants-in-aid to Indian aided schools.

15. Signing bill and issuing cheque for Kekri school.

16. Papers regarding construction and repairs of all the schools except Government High Schools.

17. Diary of Sub-Deputy Inspector of Schools.

18. All other miscellaneous work in connection with the Indian Government and M. B. Middle and Primary Schools and aided schools.

19. All letters to the Local Government asking for orders and sanction to matters in connection with Government middle and primary schools will be sent by the Superintendent of Education. The Assistant Superintendent will submit to the Superintendent the complete file or files together with proposed drafts.

20. Appointments in all Vernacular Schools for boys up to Rs. 40 per mensem.

21. Control of accounts and correspondence due to the centralisation of work in Ajmer in 1927.

#### AUDIT SCHEMES.

1036. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that the local audit scheme has already failed ?

(b) What are the causes of its failure ?

(c) Has any improvement been made under the new scheme ?

(d) If so, what are they ?

(e) Do Government propose to resort to the old system of check, *i.e.*, on inward basis ?

Mr. A. A. L. Parsons : (a) and (b). No. The scheme has not been abandoned in the main, but that part of it which required group accounts offices at various centres of a railway has been discontinued, as it was possible to carry on further experiment with the main features of the scheme in a centralised office at less cost than in a group of separate accounts offices.

(c) and (d). The Local Traffic Accounts scheme was introduced as an experimental measure on the North Western Railway and other State-managed Railways with a view mainly to :

(i) effect an early check of invoices by the accounts staff and thereby reduce station outstandings ;

(ii) relieve the station staff of accounts work and thereby reduce station establishment ;

(iii) expedite the closing of the accounts ; and

(iv) effect economy in expenditure by avoiding duplication of work.

(e) The experiment is still continuing with suitable modifications on the North Western Railway, and no final decision has yet been arrived at.

#### APPOINTMENT OF CLERKS IN THE OFFICE OF THE DEVELOPMENT COMMISSIONER OF THE NORTH WEST FRONTIER PROVINCE.

1037. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government be pleased to state if it is a fact that :

(i) certain appointments were created for the office of the Development Commissioner of the North West Frontier Province ;

- (ii) several senior Muslim clerks submitted applications for the appointments, and
- (iii) they were filled up by selecting non-Muslim junior clerks ?
- (b) If the replies to the above questions be in the affirmative, will Government be pleased to state why
- (i) no consideration was given to the claims of the senior Muslims, and
- (ii) no competitive examination was held to secure the services of the best men ?

**Mr. E. B. Howell :** The information required has been called for and will be supplied to the Honourable Member in due course.

#### REVIEW OF COMMUNAL INEQUALITIES IN THE NORTH-WEST FRONTIER PROVINCE.

1038. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** With reference to the reply given by Government to question No. 236 (regarding interpretation of the term minority community as applicable to the North West Frontier Province) asked on the 2nd March, 1931, by Khan Bahadur Haji Wajihuddin, will Government be pleased to state if the review declared by Government to be still being made in regard to the effect of the orders of the 5th February, 1926, relating to communal inequalities, has now been completed and final conclusions arrived at ?

**The Honourable Sir James Crerar :** The necessary material for the review was complete only recently. The Government of India hope shortly to be in a position to arrive at their conclusions in the matter.

#### APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

1039. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (1) With reference to the reply given by Government to question No. 208, asked by Khan Bahadur Haji Wajihuddin, in the Legislative Assembly on the 17th February, 1931, regarding the preponderance of non-Muslims in the Military Accounts Department in India, will Government be pleased to state if it is a fact that :

- (a) the total strength of the establishment in the Military Accounts Department in India, as it stood on the 28th March, 1930, was as follows :—

Name of Post.	No. of Muslims.	No. of non-Muslims.	Percentage of Muslims.
Clerks .. .. .	316	3,404	8.5
Accountants .. .. .	23	444	4.9
Deputy Assistant Controllers .. .. .	3	97	3

- (b) Government issued instructions in the abovementioned Department from time to time regarding adequate representation of each community ;

- (c) the Establishment Officer, Government of India, Army Department, issued Circular letter No. 33346-1 (A.D.), dated the 19th November, 1926, to all Heads of Military Departments directing them occasionally to examine the communal composition of their respective offices and to give adequate representation to members of such communities as have been less represented ;
- (d) In reply given to a question asked by Mr. A. H. Ghaznavi, M.L.A., in the Delhi Session of 1930, regarding the policy of Government in the matter of communal representation in Government services of minority communities, Mr. Parsons said on behalf of Government that the prevention of undue preponderance of any community in the service, the security of adequate representation of minority communities and the removal of the existing communal inequalities was the key-stone of the Government policy to which effect was being given ?

(2) If the answers to the above questions are in the affirmative, will Government be pleased to state :

- (a) whether a preponderance of members of one community has been allowed to take place in the clerical and other establishment of that Department ;
- (b) whether they are prepared to direct that recruitment by selection of temporary clerks should be confined to the members of the Muslim community in India till their number reaches one-third of the total strength of clerks in the Department ;
- (c) whether they propose to adopt special measures to reserve 1-3rd appointments of the present total strength of the accountants and D. A. C. M. As. for such Muslim clerks and accountants respectively as have already qualified themselves and are yet on the waiting list ; and
- (d) whether highly qualified Muslims may not be enlisted as probationers as is being done in other Accounts Departments if the existing number of qualified Muslims happens to be inadequate in the Military Accounts Department ?

**The Honourable Sir George Schuster :** I invite the attention of the Honourable Member to the reply already given by me on the 22nd September, 1931, to a similar question No. 724 by Khan Bahadur Haji Wajihuddin.

#### APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

1040. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state if it is a fact that :

- (i) out of 66 permanent Assistant Accounts Officers in India the Muslims hold only one appointment ;
- (ii) out of 321 permanent appointments of subordinate accounts service the Muslims hold only 8 ;
- (iii) out of 3,076 permanent appointments of clerks the Muslims hold 177 ;

- (iv) out of 246 permanent appointments of Divisional Accountants the Muslims hold only 10 ;
- (v) out of 9 permanent appointments of stenographers none is held by Muslims ;
- (vi) out of 81 permanent appointments of typists the Muslims hold only 8 ; and
- (vii) the percentage of Muslims in all the appointments calculated together (out of a total number of 3,793 posts the Muslims hold only 200) comes to only 5.14 per cent. ?

(b) If the replies to the above questions be in the affirmative, will Government be pleased to state whether the declared policy of Government regarding redressing the communal inequality is in force in this Department ? (See Home Department letter No. 176|25, dated the 5th February, 1926.)

(c) If the reply to part (b) above be in the affirmative, will Government be pleased to state :

- (i) why the preponderance of the members of one community is allowed in the Department ; and
- (ii) what special and effective steps do Government now propose to take to remove the existing unprecedented communal inequality in the Department ?

**The Honourable Sir George Schuster :** (a) (i). There are 73 posts of Assistant Accounts Officers out of which two are held by Muslims. Promotions to the rank of Assistant Accounts Officers is made by selection from the rank of Accountants and no preference is given to the members of any community in respect of such promotion.

(ii) No. The correct number is 557 of which Muslims are 27.

(iii) to (vii). The collection of information in the form required would take a long time, but I may state for the information of the Honourable Member that the total clerical staff in the civil Audit and Accounts Department is 7,760, out of which 522 are Muslims, i.e., nearly 10.6 per cent.

(b) The instructions contained in the Government of India, Home Department, Memorandum No. 176|26-Ests., dated the 5th February, 1926, contemplate that one-third of all future vacancies should be filled by members of minority communities of which Muslims are one. These instructions apply to the civil Audit and Accounts Department. They are not disregarded, and in order to see that they are observed the Government of India receive and scrutinise annual statements showing the communities to which personnel recruited during the year belong.

(c) (i) and (ii). Do not arise.

#### GRIEVANCES OF IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

1041. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to an article appearing in the *Daily Herald*, dated the 4th September, 1931, under the caption "Ihsan Ilahi in Jail" ?

(b) If so, will Government please state what steps they have taken to redress the grievances mentioned in the above article ?

(c) If no steps have been taken, will Government please state the reasons for not taking action ?

(d) If the answer to part (a) be in the negative, do Government propose to look up the article and take steps for redress ?

**The Honourable Sir James Crerar :** (a) I have seen the article.

(b) If the Honourable Member will refer to the replies given by me this session to Sardar Sant Singh's question No. 100, Mr. Jagan Nath Aggarwal's question No. 150 and Mr. Muhammad Azhar's question No. 822, he will see what the facts are regarding most of the complaints made.

I have no information regarding the allegation of delay in attending to the State prisoner's personal wants in jail, but will send a copy of the question and of this reply to the Punjab Government for any action considered necessary.

(c) and (d). Do not arise.

PERSONS KILLED AND WOUNDED IN THE RIOT IN THE BANNU DISTRICT, NORTH WEST FRONTIER PROVINCE.

1042. \***Mr. S. C. Mitra :** (a) Will Government be pleased to state how many persons were killed and wounded on the side of the crowd on the 24th August, 1930, at Spina Tanga, District Bannu, North-West Frontier Province by the firing of the military ?

(b) Were any machine guns used to disperse the crowd ? If so, how many machine guns were used ?

**Mr. E. B. Howell :** (a) The Honourable Member presumably refers to the engagement which took place between Government forces and an armed crowd in Hathi Khel country, Bannu District, on the 24th August, 1930. The casualties sustained by the armed crowd in this engagement are estimated at 40 killed and approximately the same number wounded.

(b) One Lewis gun came into action during the engagement.

POSTS RETRENCHED IN THE ARMY DEPARTMENT.

1043. \***Mr. S. C. Mitra :** (a) Is it a fact that in connection with the contemplated retrenchment three Superintendents and certain assistants and clerks whose posts will be abolished in the Army Department Secretariat, have been served with notice of discharge in the beginning of August last ?

(b) If the answer to part (a) is in the affirmative, will Government please state whether similar notices have been issued by other Secretariats of the Government of India ?

(c) Do Government propose to give any concessions to the persons to be retrenched on the abolition of their appointments ?

(d) If the answer to part (b) be in the negative, will Government please state whether Departments other than the Army are awaiting the settlement of the concessions referred to in part (c), and if so, what are the special reasons for the issue of notices in the Army Department so early and in advance of other Secretariats ?

**The Honourable Sir George Rainy :** (a) Yes. The Army Department, owing to recent reorganisation, were in a position to effect certain



retrenchments at once, provided that retrenchment concessions were granted. They, therefore, issued the three months' notice prescribed in article 436, Civil Service Regulations, as it was expected that before such notice took effect, the special terms (if any) for retrenched personnel would be settled. On this understanding the notices were given.

(b) Similar notices have not yet been issued by other Secretarial Departments of the Government of India.

(c) Yes. The matter is under consideration.

(d) Other Departments have been awaiting the reports of the Retrenchment Committee. The reasons for earlier action by the Army Department have been given in the answer to (a).

**Mr. Gaya Prasad Singh :** Sir, may I know if the retrenchment in the Army Department has been effected in pursuance of any recommendation of the Army Retrenchment Sub-Committee ?

**The Honourable Sir George Rainy :** I understand, Sir—if the Honourable Member is referring to the answer to clause (a) of the question—the position is that these notices were given before the recommendations of the Retrenchment Committee were received ; but I cannot claim an intimate personal knowledge of these matters.

†1044—1045.

#### REDUCTION OF SALARIES OF THE INDIAN CIVIL SERVICE.

1046. **\*Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state :

- (i) if they propose to take steps to secure the consent of the Secretary of State for India to reduce the salaries of the members of the Indian Civil Service and other superior services by twenty per cent.
- (ii) if any correspondence has passed between the Government of India and the Secretary of State for India on the subject ;
- (iii) if the answer to part (ii) is in the affirmative, whether the Secretary of State has agreed to reduce the said salaries, and, if so, by what percentage and till what period ?

(b) Will Government be pleased to make an announcement in regard to this question ?

**The Honourable Sir George Rainy :** Government are unable to make any statement at present.

**Mr. B. Das :** Did the Government of India address the Secretary of State on the subject ?

**The Honourable Sir George Rainy :** I think, Sir, the Honourable Member might wait and see, a little longer. (Laughter.)

#### FUTURE POLICY REGARDING BROADCASTING.

1047. **\*Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state their policy regarding the future of broadcasting in India ?

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†These questions were withdrawn by the questioner.

(b) Have any alterations or improvements been made in broadcasting under State management with a view to popularising the same? If so, has there been any increase in the number of receiving licences?

**Mr. J. A. Shillidy :** (a) Government have the matter under their consideration and hope to make an announcement shortly.

(b) The answer is in the affirmative to both parts of the question.

#### QUALIFICATIONS OF DIVISIONAL ENGINEERS (WIRELESS).

1048. **\*Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the qualifications of their Divisional Engineers (Wireless) who have been in charge of broadcasting, with special reference to their training in radio engineering and broadcasting?

(b) Have these Divisional Engineers had the requisite training, and is there a specialist staff in the department?

**Mr. J. A. Shillidy :** (a) Divisional Engineers (Wireless) are not in charge of broadcasting.

(b) The first part of the question does not arise : the reply to the second part is in the affirmative.

#### INDIAN OFFICERS IN THE WIRELESS BRANCH.

1049. **\*Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state the number of officers attached to the Wireless Branch drawing Rs. 500 and over?

(b) How many of these are Indians and how many of non-Indian domicile?

(c) How many were recruited after 1928?

**Sir Hubert Sams :** (a) Eighteen.

(b) Three Indians ; one Anglo-Indian ; thirteen definitely of non-Indian domicile and one the question of whose domicile has not yet been decided.

(c) None.

#### IMPROVEMENT OF WIRELESS COMMUNICATION.

1050. **\*Rao Bahadur M. C. Rajah :** Do Government contemplate increasing the activities of the Wireless Department with a view to improving the communication systems of the country?

**Mr. J. A. Shillidy :** The use of wireless to improve the communications of India and Burma receives continual attention and a number of schemes have been examined in details. Owing, however, to financial stringency, many of such schemes, could not be carried out and in the present financial situation no large increase in the activities of the Wireless Branch can be provided for.

#### PROGRESS OF EDUCATION IN AJMER-MERWARA.

1051. **\*Rai Sahib Harbilas Sarda :** (a) Is it a fact that between the years 1925 and 1931 the number of recognised educational institutions in Ajmer-Merwara has risen by 105 and the number of pupils in attendance

by over 9,000 and that rural education in Ajmer-Merwara has made very great progress and extra curricular activities like scouting, first-aid, vocational training, village libraries, adult night schools have been started successfully during this period ?

(b) Have Government perused the annual Administration Reports of Ajmer-Merwara for the years 1925 to 1931, and are they aware that the progress of education as recorded in these reports is satisfactory ?

(c) Will Government please state the name of the officer who has been the Superintendent of Education in Ajmer-Merwara during the major portion of the last six years ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) Between the years 1925 and 1930, the number of recognised educational institutions in Ajmer-Merwara rose by 76 and the number of scholars by 6,365. Figures for 1931 are not yet available. The reply to the latter part of the question is in the affirmative.

(b) Yes, except the report for the year 1930-31 which is not yet available. The progress of education recorded in these reports is, on the whole, satisfactory.

(c) Mr. R. Littlehales, C.I.E., M.A., Educational Commissioner with the Government of India.

#### EDUCATIONAL CODE FOR AJMER-MERWARA.

1052. **\*Rai Sahib Harbilas Sarda :** (a) Will Government please state whether Ajmer-Merwara has got an Educational Code of its own ?

(b) Are Government aware that a large number of the questions against the Ajmer-Merwara Education Department asked in this Assembly during the last four or five years relate to the alleged 'violation of the United Provinces Code rules by the Educational Officers ?

(c) Is it a fact that in reply to a certain question regarding the acceptance of private tuitions by the Principal, Government College, and the Headmaster, Government High School, the Honourable the Member for Education stated that the United Provinces Education Code was not absolute in its application to Ajmer-Merwara and that the Local Government had discretion to follow it as far as practicable ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) No.

(b) A few questions on the subject were asked in the years 1929 and 1930, but none prior to 1929.

(c) Yes, except that the reply was not given by the Honourable Member.

#### SATISFACTION BY THE RAJA OF PISANGAN OF THE DEMANDS OF HIS PEASANTS.

1053. **\*Rai Sahib Harbilas Sarda :** (a) With regard to starred question 272, answered on the 16th July, 1930 (regarding visit of the Assistant Commissioner of Ajmer-Merwara to Pisangan), are Government aware that the peasants of Pisangan have recently apologised to the Raja for the no-tax campaign, which was launched by them last year under instigation of certain persons ?

(b) Are Government also aware that as a result of the above the Raja of Pisangan has satisfied all the demands of the peasants ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). Government have no information on the subject.

**SALARY OF THE HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.**

1054. **\*Rai Sahib Harbilas Sarda :** With regard to the answer given on the 11th September, 1931, to my starred question No. 234 to the effect that the salary of the post of the Health Commissioner to the Government of India was fixed some years ago and that the Health Commissioner, whatever his grade may be in the Medical Service, would draw that salary, will Government state if the present incumbent, who is a Major-General, draws the fixed salary of the post or draws a higher salary ? If he draws a higher salary will Government state their reasons for incurring this higher expenditure by keeping a Major-General in that appointment instead of appointing a man of a grade contemplated when the salary was fixed ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The present incumbent of the post of Public Health Commissioner draws the fixed salary of the post, *viz.*, Rs. 2,500—100—3,000, *plus* £13 6s. 8d. a month overseas pay. The second part of the question, therefore, does not arise.

**ATTENDANCE BY GOVERNMENT SERVANTS AT POLITICAL MEETINGS.**

1055. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the President of the Simla Congress Committee requested Government to allow Government servants to attend a public meeting, which was addressed by Mahatma Gandhi in Simla, on the 14th May last ? What reply, if any, was given to this request ?

(b) Will Government kindly state the position of Government servants regarding their attendance at public and political meetings ? Has there been any relaxation, or deviation from the rules prescribed ? If so, on what occasions ?

**The Honourable Sir James Crerar :** (a) The reply to the first part of the question is in the affirmative. The reply given was to the effect that it was not customary for Government in such cases to give orders either permitting or prohibiting the attendance of Government servants.

(b) I would refer the Honourable Member to the reply which I gave to Sirdar Harbans Singh Brar's starred question No. 1137 on the 25th March, 1931. There has been no modification of the Government Servants' Conduct Rules.

**Mr. C. S. Ranga Iyer :** Was it customary for the Government to permit any public man to address a meeting in Simla in the place in which the meeting was addressed ?

Will the Government be pleased to state whether it was not an extraordinary occasion when an extraordinary man addressed a public meeting and therefore where the ordinary rules regarding Government servants attending a meeting could have been suspended ?

**The Honourable Sir James Crerar :** I think the Honourable Member has asked me for an expression of opinion !

## EXAMINATIONS FOR THE PROMOTION OF POSTAL OFFICIALS.

1056. \*Mr. Goswami M. R. Puri : (a) Is it a fact that deserving junior officials of the Posts and Telegraphs Department, with certain restrictions of age were allowed to sit for the lower selection grade examination held in December, 1930 ? If so, will Government be pleased to state the number of such junior officials allowed to sit for the said examination from each Circle ?

(b) Is it a fact that no junior official from the Central Circle was allowed to sit for the said examination ? If so, will Government be pleased to state the reasons why the junior officials of the Central Circle were debarred from appearing in the said examination ?

(c) Will Government be pleased to state whether the lower selection grade examination for Posts and Telegraphs officials will be held this year ? If so, will the junior officials be given a similar concession as was done last year ? If not, and if the reply to the first part of part (b) be in the affirmative, do Government propose to hold a special examination for the junior officials of the Central Circle only ?

(d) If, however, it is decided to hold the examination this year and the senior officials are also allowed to appear for it, will the junior officials of the Central Circle be given the concession of appearing in double the number allowed for this year ?

Sir Hubert Sams : (a) Yes, subject to a further restriction regarding the number of candidates to be allowed to appear as junior candidates. This restriction was that the number of such candidates should not exceed 25 per cent. of the probable vacancies in the lowest selection grade during the year 1931-32. The number of junior officials who were allowed to sit for the examination held in December, 1930, from each Circle, was as follows :—

Bengal and Assam Circle	..	..	..	11
Bihar and Orissa Circle	..	..	..	4
Bombay Circle	..	..	..	1
Burma Circle	..	..	..	1
Central Circle	..	..	..	Nil
Madras Circle	..	..	..	25
Punjab and North-West Frontier Circle	..	..	..	11
United Provinces Circle	..	..	..	10
Sind and Baluchistan Circle	..	..	..	Nil

(b) The Honourable Member's attention is invited to part (a) of the reply to Rai Sahib Harbilas Sardā's starred question No. 620 in this House on the 22nd September, 1931.

(c) With respect to the first two parts the Honourable Member's attention is invited to the reply to Mr. S. C. Mitra's starred question No. 607 in this House on the 21st September, 1931. The third part does not arise.

(d) Does not arise in view of the reply to part (c).

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to speak up so that we might put certain supplementary questions ?

Sir Hubert Sams : Yes, Sir.

EXAMINATION FOR APPOINTMENTS TO THE AUDIT AND ACCOUNTS SERVICE.

1057. \*Nawab Major Malik Talib Mehdi Khan : (a) Is it a fact that in the competitive examination of the Public Service Commission in 1930 for appointments to the Audit and Accounts Service no candidate taking up *Arabic* as one of the subjects for the examination obtained sufficient marks even to qualify in the examination ?

(b) Is it a fact that the total number of marks obtained by the first hundred students in 1930 was higher than the marks obtained by the first hundred candidates in 1929 ?

(c) Is it a fact that the number of marks obtained by the first three candidates in *Arabic* fell from 314, 270 and 250 in 1929 to 168, 152 and 146 in 1930 respectively ?

(d) Will Government kindly state if the percentage of marks allotted to candidates in *Arabic* was the lowest as compared with the percentage allotted to the candidates in other subjects ?

(e) Were any instructions issued by the Public Service Commission to the examiner or examiners concerned about the marking of the *Arabic* papers ; if so, will Government kindly place a copy of these instructions on the table of the House ?

The Honourable Sir George Rainy : (a), (b) and (c). Yes.

(d) No.

(e) No instructions as to marking were given other than the common form of instructions given to examiners in other language subjects. These instructions are confidential and cannot be laid on the table.

EXAMINATION FOR APPOINTMENTS TO THE AUDIT AND ACCOUNTS SERVICE.

1058. \*Nawab Major Malik Talib Mehdi Khan : (a) Is it a fact that the total number of marks in *Arabic* is 400 and that the maximum marks shown on the question papers was 200 in the Indian Audit and Accounts Service examinations of 1929 and 1930 ? Will Government kindly state their reasons ?

(b) Have Government satisfied themselves that no mistake was done by the office in recording the marks given by the examiners by overlooking the maximum marks ?

(c) Is it a fact that the candidates standing first in the various subjects obtained the following marks ?—

Subject.	Marks obtained.	Percentage of the marks obtained.
English	190	63
Economics	279	70
Mathematics	298	75
Physics	263	65
Chemistry	244	61
History	296	74
Philosophy	262	65
Botany	295	74
Geology	244	61
Sanskrit	279	69
Persian	265	66
<i>Arabic</i>	168	42

(d) Do Government propose to reduce all marks to the same scale ? Is not that the practice followed in most examinations ?

**The Honourable Sir George Rainy :** (a) The maximum marks for *Arabic* were 400. Examiners sometimes find it convenient to mark to a maximum of 100. In such cases the necessary multiplication is made to bring the total to the prescribed maximum.

(b) Yes.

(c) Yes, if the Honourable Member refers to the 1930 results.

(d) An endeavour is made to secure that all subjects are marked on the same standard, but obviously if the candidates for subject A are very bad and the candidates for subject B are very good, the candidates in subject A cannot be awarded the same marks as the candidates in subject B.

**Dr. Ziauddin Ahmad :** I should like to know whether any attempt was made to reduce the marks to a common scale ? This question was asked in the last session and no reply was then given. I made inquiries and found that the candidates in *Arabic* obtained very high marks otherwise in University examinations. Will the Honourable Member let me know whether any attempt was made to reduce the marks obtained by different candidates in different subjects to a common scale ?

**The Honourable Sir George Rainy :** I am afraid, I did not quite follow the Honourable Member's question, but I think he will obtain the information, he desires, more readily by asking my Honourable Colleague privately about it. I am very doubtful whether I am in a position to provide it now.

#### UNSTARRED QUESTIONS AND ANSWERS.

SHOP RUN BY THE HEAD CLERK, GOVERNMENT OF INDIA PRESS, SIMLA.

91. **Mr. S. C. Mitra :** Is it a fact that the Head Clerk, Government of India Press, Simla, is running a book binders' shop and a stationery mart just above his residence in Simla and the Press binders work *gratis* in that shop after office hours, and on holidays ? If the reply is in the affirmative, will Government please say what action they propose to take against the Head Clerk ?

**Mr. J. A. Shillidy :** Government have no information, but they are asking the Controller of Printing and Stationery to enquire into the allegations in this question.

EMPLOYMENT OF RELATIVES OF THE HEAD CLERK IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

92. **Mr. S. C. Mitra :** (a) Is it a fact that in the Simla Government Press relatives of the Head Clerk are recruited when vacancies occur, preference being given them over individuals possessing better qualifications ?

(b) Is it a fact that a promise has been given to his son for the latter's employment in an anticipated vacancy in the Press establishment ?

**Mr. J. A. Shillidy :** The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

#### QUALIFICATIONS OF INSPECTORS OF POST OFFICES.

**93. Mr. S. C. Mitra :** (a) Is it a fact that it is essential for an Inspector of Post Offices to be qualified in telegraphy ?

(b) Is it a fact that an Inspector of Post Offices must be conversant with the branch office rules ?

(c) Is it a fact that an Inspector of Post Offices has to inspect the traffic branch of a combined Post Office ?

(d) Is it a fact that the syllabus for the lowest selection grade examination of Postal candidates does not include branch office rules, pension rules, traffic instructions or the hand book on elementary telegraphy ?

(e) Is it a fact that the answering of questions in the lowest selection grade examination is done with the aid of books ?

(f) Is it a fact that an official passing the above examination is eligible for promotion as Inspector of Post Offices ?

**Sir Hubert Sams :** (a) Yes.

(b) Yes.

(c) Yes.

(d) Branch Office rules are not included, being covered by the Head Office and Sub-Office rules, which are included. Inspectors do not sanction pensions. Inspectors who are not already qualified in telegraphy have to undergo a course of training in that subject which includes traffic instructions and the handbook of elementary telegraphy.

(e) Yes.

(f) Yes.

#### SYLLABUS OF EXAMINATION FOR INSPECTORS OF POST OFFICES.

**94. Mr. S. C. Mitra :** (a) Is it a fact that the syllabus for the old examination for Inspectors of Post Offices contained branch office rules and the Traffic Instruction Manual ?

(b) Is it a fact that a knowledge in telegraphy was an essential qualification for nomination as a candidate for the old Inspectors' examination ?

(c) Is it a fact that non-combined hand Inspectors had to undergo six weeks' course of compulsory training in telegraphy and that they had to pass an examination in three papers for being duly declared as qualified in telegraphy ?

(d) Do Government treat the officials passing the lowest selection grade examination equally in the matter of appointments of Inspectors of Post Offices with those who passed the old Inspectors' examination ?



**Sir Hubert Sams :** (a) Yes. The Honourable Member's attention is invited to part (d) of the reply to his unstarred question No. 98 in the current session.

(b) No.

(c) The facts are substantially as stated by the Honourable Member.

(d) The officials who have passed the lowest selection grade examination are grouped together with officials who passed the old examination for Inspectors and Head Clerks of Superintendents of Post Offices, and both classes of officials are eligible for promotion to the lowest selection grade posts whether in the general or the Inspectors' line, in order of seniority. Junior officials who passed the old examination for Inspectors and Superintendents' Head Clerks, or who have passed the lowest selection grade examination are entitled to every fifth vacancy in that grade whether in the general or Inspectors' line.

#### NAMES AND QUALIFICATIONS OF CERTAIN INSPECTORS OF POST OFFICES.

**95. Mr. S. C. Mitra :** Will Government be pleased to state the names of the following officials with the kind of departmental examination passed by each of them ?—

- (i) Town Inspectors of Rangoon General Post Office ;
- (ii) Town Inspector of Mandalay General Post Office ;
- (iii) Inspector of Post Offices, Pegu Sub-division ; and
- (iv) Inspector of Post Offices, attached to the Postmaster-General's Office, Burma, for investigation.

**Sir Hubert Sams :** The information is being called for and will be furnished to the Honourable Member when it is received.

#### INSPECTORS OF POST OFFICES IN THE BURMA CIRCLE.

**96. Mr. S. C. Mitra :** (a) Will Government be pleased to state :

- (i) the total number of Inspectors of Post Offices in the Burma Circle ; and
- (ii) the total number of approved candidates for promotion to the lowest selection grade appointments who passed the old Inspectors' examination ?

(b) Will Government be pleased to state if they are prepared to consider the advisability of giving preference to the officials mentioned in part (a) (ii) above in making postings to Inspectors' posts whenever that could be done without incurring any extra expenditure on that account ?

**Sir Hubert Sams :** (a), (i) 13 and (ii) 14. As on the 31st March, 1931.

(b) Government regret that they are unable to accept the Honourable Member's suggestion.

**NON-TRANSFER OF CERTAIN TOWN INSPECTORS OF POST OFFICES IN RANGOON.**

**97. Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) whether it is a fact that two of the Town Inspectors in the Rangoon General Post Office have been working as such for nearly 10 years without a change to any different station ;
- (b) whether they are liable to be transferred either as Head Clerk or Sub-Postmaster ;
- (c) why these officials are kept for so long as Town Inspectors ; and
- (d) when these two officials are likely to be shifted from their present position ?

**Sir Hubert Sams :** (a) to (d). Government have no information. The matter is within the competence of the Postmaster-General, Burma, to whom a copy of the question is being sent.

**APPOINTMENT OF INDIANS AS POSTAL SUPERINTENDENTS IN THE BURMA CIRCLE.**

**98. Mr. S. C. Mitra :** (a) Will Government be pleased to state if there is any rule debarring Indian employees of the Postal Department in Burma from being nominated as candidates for the Postal Superintendent's examination ? If the reply is in the affirmative, why is there such racial discrimination in the Department ?

(b) Will Government be pleased to state how many Indian employees from the Burma Circle have been allowed to sit for the Postal Superintendent's examination during the last 15 years ?

(c) Will Government be pleased to state if Indian employees of the Postal Department in the Burma Circle will be allowed to sit for the future examinations ?

(d) Will Government be pleased to state when the next examination is likely to be held ?

**Sir Hubert Sams :** (a) The reply to the first part is in the negative. The second part does not arise.

(b) One since 1919, prior to which the records are not available.

(c) Does not arise in view of the reply to (a).

(d) Government are not in a position to make any statement at present.

**CASUAL LEAVE FOR OFFICERS AND CLERKS OF THE NORTH WESTERN RAILWAY.**

**99. Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state how many days' casual leave an officer on the North Western Railway is entitled to take during the year ?

(b) Is a member of the clerical staff also entitled to a similar privilege ?

(c) How many days at a time can an officer take casual leave on the North Western Railway ?

(d) Does a member of the clerical staff enjoy a similar privilege ?

(e) Is any record kept of the casual leave taken by officers during the year ? If no such record in the case of officers is kept, will Government be pleased to state reasons for not doing so ?

**Mr. A. A. L. Parsons :** Government have no information. Casual leave is unrecorded leave and its grant is entirely at the discretion of the Agent.

#### ACTIVITIES OF THE INTERNATIONAL CHAMBER OF AGRICULTURE OF ROME.

**100. Mr. E. F. Sykes :** Will Government be pleased to place in the Library any records they may have of the activities of the International Chamber of Agriculture of Rome, Italy ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Yes ; necessary action is being taken.

#### THE PRESS EMPLOYEES' ASSOCIATION, CALCUTTA.

**101. Mr. S. C. Mitra :** (a) Are Government aware that the Government of Bengal, in pursuance of a Resolution passed in the Bengal Legislative Council in 1925, appointed a Committee consisting of both official and non-official Members of the Council including the representative of the Press Employees' Association, Calcutta, to inquire into the grievances of the employees of the Bengal Government Press, Alipore ?

(b) Is it not a fact that during the strike in the Government of India Press, Calcutta, in 1920, negotiations were carried on between the Government of India and Mr. B. Chakravarti, Bar-at-Law, the then Vice-President of the Press Employees' Association on the situation then existing ?

(c) Is it not a fact that the Secretary, Department of Industries and Labour, issued a circular in 1920 to the effect that Government Press employees might join any organised union ?

(d) Is it not a fact that in 1925 the Honourable Mr. Ley communicated with the Secretary, Press Employees' Association, Calcutta, regarding the grievances of the employees of the Government of India Press, Calcutta ?

(e) Is it not a fact that the representatives of the Press Employees' Association consisting of the President, Vice-President, Secretary and the Organising Secretary waited in a deputation in 1925, before the Honourable Sir B. N. Mitra, the then Member-in-Charge of the Department of Industries who, on the representation of the said deputationists, personally inquired into the grievances of the employees of the Government of India Press, Calcutta, and removed some of them ?

(f) Are Government aware that the opinion of the Press Employees' Association, Calcutta, was invited and submitted to the Royal Commission on Labour in the shape of a printed memorandum as well as oral evidence in the year 1930 ?

(g) Are Government aware that in matters relating to labour legislations or sending delegates to the Geneva Conference, the opinion of the Press Employees' Association, Calcutta, is invited both by the Government of Bengal as well as the Government of India ?

(h) Are Government aware that the Press Employees' Association is a registered body under the Indian Trade Unions Act, 1926 ?

(i) If the answers to parts (a) to (h) are in the affirmative, will Government be pleased to state the reasons that led Mr. J. A. Shillidy to state in answer to the starred question No. 258, dated 2nd February, 1931, that the Press Employees' Association, Calcutta, is not recognised by the Government of India ?

**Mr. J. A. Shillidy :** (a) Yes. But the Government of India are not aware that any representative of the Press Employees' Association, Calcutta, was on the Committee.

(b) Mr. B. Chakravarti, Bar-at-Law, made certain representations to Government on behalf of the employees of the Government of India Press, Calcutta, who were on strike in 1920.

(c) I am unable to trace any such circular in 1920.

(d) The Secretary, Press Employees' Association, Calcutta, interviewed Mr. Ley in 1926, and informed him that the Association had been recognized by Government. On this understanding Mr. Ley undertook to consider a general representation submitted by the Association. As the Association had not been recognized by Government, the Secretary of the Association was informed that the Government of India were unable to consider any representation made by it.

(e) Sir B. N. Mitra while agreeing to receive a deputation of employees in the Government of India Press at Calcutta definitely refused to receive any deputation on behalf of the Association.

(f) Yes.

(g) No special invitation is issued to the Association in regard to the nominations for the International Labour Conferences. On proposals for labour legislation on which opinions are invited, the Association may be consulted by the Government of Bengal.

(h) Yes.

(i) The Press Employees' Association, Calcutta, does not fulfil the conditions which entitle an association of Government employees to official recognition.

#### NON-GRANT OF MEDICAL LEAVE WITH PAY TO TEMPORARY PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

102. **Mr. S. C. Mitra :** (a) Are Government aware that the temporary piece-employees of the Government Printing, Bengal, are allowed medical leave with pay ?

(b) Is it a fact that the temporary piece-employees of the Government of India Press, Calcutta, are not allowed medical leave with pay ?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons of part (b) ?

**Mr. J. A. Shillidy :** (a) Government have no definite information.

(b) No. Attention of the Honourable Member is invited to the reply given by me to his unstarred question No. 259 in the Legislative Assembly on the 2nd February, 1931.

(c) Does not arise.

### GOVERNMENT PRINTING WORK PLACED WITH PRIVATE PRESSES.

103. **Mr. S. C. Mitra :** (a) Is it a fact that the rate of the private firms for printing the Army Department Training Manual and the binding charge of Army Form No. A-64 were considerably higher than that of the Government Presses ?

(b) Is it not a fact that Mr. H. I. Macdonald, Special Officer, Central Revision Section, Army Department, Government of India, in his note, dated 1st July, 1931, expressed the desirability of work being done at the Government Presses on economic grounds ?

(c) Is it not a fact that charges of the private printing firms with whom contracts are placed by the Government of India are higher than that of the Government Presses ? If so, will Government be pleased to state the reasons for placing printing orders on an increased scale every year with private firms ?

**Mr. J. A. Shillidy :** Enquiries are being made.

### PAYMENTS MADE TO PRIVATE PRESSES FOR GOVERNMENT PRINTING WORK.

104. **Mr. S. C. Mitra :** (a) Will Government be pleased to refer to the statement made by the Controller of Printing and Stationery in forwarding to Government the annual statistical return showing the working of the Government of India Presses, to the effect that, during 1929-30 the payments for outside printing reached upto Rs. 12,93,697 ?

(b) Will Government be pleased to explain this statement with reference to the statement made by Mr. J. A. Shillidy in reply to starred question No. 248 of the 2nd February, 1931, showing the amount paid to the private contractors for printing work during 1929-30 was Rs. 4,02,000 ?

(c) What amount was paid to the private contractors during 1927-28 to 1930-31 for printing orders placed with private contractors ?

**Mr. J. A. Shillidy :** Information is being collected and will be furnished to the Honourable Member in due course.

### PRINTING OF REPORTS OF COMMISSIONS ON LABOUR, RETRENCHMENT, ETC.

105. **Mr. S. C. Mitra :** (a) Will Government be pleased to state :

(i) the number of Commissions and Committees appointed from 1923 to 1931 to inquire into the conditions of labour, retrenchment as well as political conditions in India ;

(ii) where the reports of these Commissions and Committees were printed ;

(iii) the total expenditure incurred for printing the reports of those Commissions and Committees ;

(iv) the total expenditure incurred for printing in India, if any, the reports of these Commissions and Committees ; and

(v) the total expenditure incurred for printing outside India, the reports of those Commissions and Committees ?

(b) Is it not a fact that the Government of India has four well-equipped and efficient presses at Simla, Calcutta, Delhi and Aligarh ?

(c) Is it not a fact that not a single report of the Commissions and Committees was printed in India ?

(d) If the answers to parts (b) and (c) are in the affirmative, will Government be pleased to state the reasons of part (c) ?

**Mr. J. A. Shillidy :** (a) I do not propose to call for the information required by the Honourable Member, unless he specially desires it, as its collection would take a great deal of time and trouble and because he is, I think, under the impression that the printing of the reports of these Commissions and Committees has been done outside India. I would refer him to my answer to (c).

(b) Yes.

(c) So far as I am aware, without having detailed information, most of the reports lately published have been printed in India.

(d) Does not arise.

**CASE OF BABU ABINASH CHANDRA CHAKRAVARTI, A COMPOSITOR INVALIDED FROM THE GOVERNMENT OF INDIA PRESS, CALCUTTA.**

106. **Mr. S. C. Mitra :** (a) Is it not a fact that, in answer to unstarred question No. 356, Mr. J. A. Shillidy stated on the 21st March, 1931, that the case of Babu Abinash Chandra Chakravarti, compositor, Section 4, Government of India Press, Calcutta, is being examined by the Controller of Printing and Stationery ?

(b) Is it not a fact that the case of Babu Abinash Chandra Chakravarti has not yet been finally disposed of ? If so, will Government be pleased to state what it intends to do in the matter ?

**Mr. J. A. Shillidy :** (a) Yes.

(b) Government have no information ; but they are asking the Controller to look into the case.

**MEMORIAL FOR THE INTRODUCTION OF A WORKS COMMITTEE AT THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.**

107. **Mr. S. C. Mitra :** (a) Is it not a fact that the compositors, distributors, binders and machinemen of the Eastern Bengal Railway Press, Calcutta, submitted a memorial to the Government in April, 1929, praying for the introduction of a Works Committee on the election basis ?

(b) Is it not a fact that the Royal Commission on Labour in India recommended for the introduction of such Works Committees ? If so, what action Government intends to take with regard to part (a) ?

**Mr. A. A. L. Parsons :** (a) The reply is in the negative.

(b) The reply to the first part is in the affirmative. As regards the second part the question will be considered when a decision has been come to by Government on the recommendations of the Royal Commission on Labour as regards a Works Committee.

**MEMORIALS FROM EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES, CALCUTTA.**

**108. Mr. S. C. Mitra :** Is it not a fact that, in answer to unstarred question No. 360 regarding memorials from employees of the East Indian and Eastern Bengal Railway Presses, Calcutta, Mr. A. A. L. Parsons stated on 21st March, 1931, that the original memorial of the employees of the Eastern Bengal Railway Press, with the Agent's remark is awaited ? If so, will Government be pleased to state what action has been taken in the matter ? If not, why not ?

**Mr. A. A. L. Parsons :** The reply to the first part is in the affirmative. The views of the Agent, Eastern Bengal Railway, are awaited and he has been asked to expedite them.

**MEDICAL CERTIFICATES OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.**

**109. Mr. S. C. Mitra :** (a) Is it a fact that in answer to starred question No. 372 regarding medical certificates submitted by employees of the Eastern Bengal Railway Press, Calcutta, Mr. A. A. L. Parsons stated on 11th February, 1931, that the information with regard to parts (b), (c) and (d) would be communicated on its receipt from the Agent, Eastern Bengal Railway ?

(b) Is it a fact that the information was not supplied as stated ? If so, will Government be pleased to supply the information ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The information was supplied to the Honourable Member in the Railway Board's letter No. 579-E.G., dated the 22nd June, 1931.

**DISMISSAL OF AN INKMAN IN THE EASTERN BENGAL RAILWAY PRESS, CALCUTTA.**

**110. Mr. S. C. Mitra :** (a) Is it a fact that in answer to starred question No. 371, regarding dismissal of Mustafa, an Inkman in the Eastern Bengal Railway Press, Calcutta, Mr. A. A. L. Parsons stated on the 11th February, 1931, that the action intended to be taken by the Government with regard to parts (e), (h) and (i) would be communicated later on ?

(b) Is it a fact that the action intended to be taken by the Government has not yet been communicated ? If so, will Government be pleased to state what action is intended to be taken with regard to the employees referred to in starred question No. 371, dated 11th February, 1931 ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The reply was sent to the Honourable Member in June, 1931, vide Railway Board's letter No. 579-E.G., dated the 22nd June, 1931.

**MEMORIAL FROM THE EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS, CALCUTTA.**

**111. Mr. S. C. Mitra :** (a) Is it a fact that in answer to the unstarred question No. 360, Mr. A. A. L. Parsons stated on the 21st March, 1931, that the memorial from the employees of the East Indian Railway

Press, Calcutta, is under consideration ? If so, will Government be pleased to state the action taken on it ?

(b) If nothing has been done as yet, will Government kindly state when they mean to take steps in the matter ?

**Mr. A. A. L. Parsons :** (a) and (b). The reply to the first part of (a) is in the affirmative. As I have just said in my reply to question No. 108, the views of the Agent, Eastern Bengal Railway, on a similar memorial from the Eastern Bengal Railway Press Employees are awaited and it is proposed to deal with both the memorials, when a reply is received from the Agent.

#### STRENGTH OF SUPERVISING AND OPERATING STAFFS IN THE EAST INDIAN RAILWAY PRESS AT CALCUTTA AND AT HOWRAH.

**112. Mr. S. C. Mitra :** (a) Is it a fact that the number of the supervising staff of the East Indian Railway Press, Calcutta, and Howrah, are on the increase while the operative staff have been decreasing since 1926 ?

(b) Is it not a fact that the present total strength of the operative staff, in Calcutta and Howrah, is 550 whereas the number of the supervising staff is 840 making, 1 supervising staff responsible for 6 operators ?

(c) Is it not a fact that the strength of the compositors, in Calcutta and Howrah, was 101, of the distributors 31, of the binders 134, of the proof-pullers 16, of the machinemen 30, of the inkmen 45, and of the pressmen 11, in 1926, while it has come down to 66, 24, 100, 12, 26, 37 and 5, respectively in 1931 ?

(d) Is it not a fact that there was only 1 overseer, 1 foreman, 2 section-holders, 2 computers, 1 assistant timekeeper and 6 clerks, both in Calcutta and Howrah, in 1926 whereas they have been increased to 2, 3, 4, 15, 4 and 30, respectively in 1931 ?

(e) Is it not a fact that the posts of the Office Superintendent, the Press Mechanic, the Workshop Accountant and Checker were not in existence in 1926 whereas they exist in 1931 ?

(f) If the answers to parts (a) to (e) are in the affirmative, will Government be pleased to state what necessitated an increase in the supervising staff though the operative staff has appreciably been reduced ?

(g) Will Government be pleased to lay on the table a statement showing the strength of the operative staff in compositors, distributors, proof-pullers, machinemen, inkmen, pressmen and binders as well as of the supervising staff of the East Indian Railway Press both in Calcutta and Howrah, for the years 1926 and 1931, respectively ?

**Mr. A. A. L. Parsons :** I have called for certain information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

#### PAY, APPOINTMENTS AND DISMISSALS OF SUPERVISING AND OPERATING STAFFS OF THE EAST INDIAN RAILWAY PRESS.

**113. Mr. S. C. Mitra :** (a) Is it a fact that at the last revision of pay, the supervising staff of the East Indian Railway Press were allowed increments while the operative staffs were not ?



(b) Will Government be pleased to lay on the table a statement showing :

- (i) the pay, with the names, of any two section-holders, foreman, overseers, computers and checkers as well as the earnings of any five compositors, five binders of the 1st, 2nd and 3rd class, five distributors, five pressmen, five machinemen and five inkmen, with their names ; and
- (ii) the number of appointments, dismissals and retirements from the service, both of the supervising and operative staff from January, 1924 to June, 1931 ?

**Mr. A. A. L. Parsons :** (a) I have called for information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

(b) Government regret they can not undertake to collect the information required as it would entail a disproportionate expenditure of time and labour.

#### REPRESENTATION FROM THE EAST INDIAN RAILWAY PRESS EMPLOYEES' ASSOCIATION.

**114. Mr. S. C. Mitra :** Is it a fact that the Deputy Secretary, Railway Board, in his letter No. 5018-E., dated the 5th June, 1931, informed the Honorary Secretary, Press Employees' Association, Calcutta, that his letter, dated the 20th May, 1931, had been forwarded to the Agent, East Indian Railway for disposal ? If so, will the Honourable Member be pleased to inform the House of its contents and the result of the communication ?

**Mr. A. A. L. Parsons :** The reply to the first part is in the affirmative. As regards the second part, I am unable to give the information asked for, as the letter from the Association was forwarded in original to the Agent, East Indian Railway, and I am not aware of the action taken by him.

#### PROPORTION OF SUPERVISING STAFF TO WORKERS IN THE EAST INDIAN RAILWAY PRESS.

**115. Mr. S. C. Mitra :** (a) Is it a fact that in reply to unstarred question No. 358 regarding proportion of supervising staff to workers in the East Indian Railway Press, Mr. A. A. L. Parsons stated on the 21st March, 1931, that certain information was being called for and would be communicated on its receipt ?

(b) Is it a fact that the information was not communicated ? If so, will the Government be pleased to reply to the unstarred question No. 358, dated the 21st March, 1931 ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The information has been supplied to the Honourable Member in the Railway Board's letter No. 579-E.G., dated the 25th September, 1931.

## AMENDMENT OF THE INDIAN FACTORIES ACT.

**116. Mr. S. C. Mitra :** Is it a fact that the Chief Inspector of Factories, Bengal, in his report for the year 1929-30, reports the various difficulties in discharging duties under the Indian Factories Act, 1926 unless certain portions of the Factories Act are amended ? If so, will Government be pleased to state whether they contemplate to amend the Factories Act in the light of the report of the Chief Inspector of Factories, Bengal ?

**Mr. J. A. Shillidy :** In his Annual Report on the working of the Indian Factories Act for the year 1930 the Chief Inspector of Factories, Bengal, has made certain suggestions for the amendment of the Act. These suggestions will receive due consideration when the revision of the Act is taken in hand as a result of the recommendations made by the Royal Commission on Labour.

## MEMORIAL FOR THE INTRODUCTION OF A WORKS COMMITTEE AT THE EAST INDIAN RAILWAY PRESS, CALCUTTA.

**117. Mr. S. C. Mitra :** (a) Is it not a fact that the compositors, distributors, binders and machinememen of the East Indian Railway Press, Calcutta, submitted a memorial to the Government in January, 1930, praying for the introduction of a Works Committee on the election basis ?

(b) Is it not a fact that the Royal Commission on Labour in India recommended for the introduction of such Works Committees in the Labour Industry ? If so, what action Government intend to take with regard to part (a) ?

**Mr. A. A. L. Parsons :** (a) The reply is in the affirmative.

(b) I would refer the Honourable Member to the answer given to part (b) of his earlier question No. 107.

## LEAVE GRANTED TO AN OVERSEER AT THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

**118. Mr. S. C. Mitra :** (a) Is it a fact that under the Civil Service Regulations no Government employee, who is on extension, can be allowed leave on average pay for more than fifteen days ?

(b) Is it a fact that Mr. Fergusson, the acting Overseer and formerly the Head Reader of the Government of India Press, Calcutta, has been allowed four months' leave on average pay ?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons of part (b) ?

**Mr. J. A. Shillidy :** (a) The attention of the Honourable Member is invited to article 234 (b) of the Civil Service Regulations and rule 86 of the Fundamental Rules, which regulate the leave of Government servants after the date on which they must compulsorily retire.

(b) to (c). The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses, and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

## REPORT OF THE ROYAL COMMISSION ON LABOUR.

119. **Mr. S. C. Mitra :** (a) Are Government aware that the Royal Commission on Labour in India has submitted its report with certain recommendations on labour conditions in India ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state when those recommendations are going to be accepted by Government ?

**Mr. J. A. Shillidy :** I would refer the Honourable Member to the first part of the reply given by me to starred questions Nos. 143—149 asked by Mr. C. S. Ranga Iyer on the 10th September, 1931.

## QUALIFICATIONS AND COMMUNITIES OF THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

120. **Pandit Ram Krishna Jha :** Will Government be pleased to state the number of persons on the clerical staff of the Government of India Press, Simla, showing the number of Hindus, Muslims, Sikhs, Christians and others as they exist at present, and the educational qualifications of each of them ?

**Mr. J. A. Shillidy :** The information is given below : —

<i>Community.</i>	<i>No.</i>	<i>Educational qualifications.</i>		
Muslims ..	.. 14	Matriculate ..	..	2
		Non-matriculate ..	..	12
Hindus ..	.. 13	Matriculate ..	..	2
		Non-matriculate ..	..	10
		Graduate ..	..	1
Sikhs ..	.. 2	Matriculate ..	..	1
		Graduate ..	..	1
Christian ..	.. 1	Non-matriculate ..	..	1
	—			—
	30			30

## APPOINTMENT OF HINDUS TO THE GOVERNMENT OF INDIA PRESS, SIMLA.

121. **Pandit Ram Krishna Jha :** (a) Will Government be pleased to state whether or not the Hindu community, in spite of being a majority community, is in a minority as to its representation on the staff of the Government of India Press, Simla ?

(b) Will Government be pleased to state whether there was a general circular issued to all Government offices to stop recruitment to all vacancies as an economic measure ?

(c) Is it not a fact that owing to the reduction in the printing budget of some Departments there was less work to be tackled by the clerical branch ?

(d) Is it a fact that a certain clerk of the staff of the Government Press, Simla, resigned his post in April last, and that the vacancy has been filled up ?

(e) If the replies to parts (c) and (d) are in the affirmative, will Government be pleased to say whether the appointment in question was in disregard of the circular and why was it made ?

(f) If so, do Government propose to abolish the post as a measure of retrenchment ?

(g) Are Government prepared to make inquiries as to who is responsible for such disregard of the rules and circulars and deal with him in an appropriate manner ?

**Mr. J. A. Shillidy :** The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for the information regarding these administrative details, which are matters for his discretion.

#### APPOINTMENT OF HINDUS AS DEPUTY POSTMASTERS-GENERAL AND SUPERINTENDENTS OF POST OFFICES.

**122. Bhai Parma Nand :** (a) Will Government be pleased to lay on the table of the House a statement showing the communal composition of the Deputy Postmasters-General and Superintendents of Post Offices in the Punjab and North-West Frontier Circle ?

(b) Is it a fact that out of three Deputy Postmasters-General (Postal and Telegraph) in this Circle there is no Hindu but there are two Muslims and one European ?

(c) Will Government please state whether it is not the policy of Government to prevent as far as possible preponderance of members of one community in one and the same office and, if so, are Government prepared to take suitable steps for the proper representation of all communities in the rank of Deputy Postmasters-General ?

(d) Is it a fact that this Muslim preponderance has been repeatedly brought to the notice of the Director General and the Government of India and the matter has been disposed of by the reply that the posting of officers is decided on administrative and not on communal grounds ?

(e) Is it also a fact that out of 29 Superintendents of Post Offices including probationary and reserve there are only 7 Hindus against 12 Muslims ?

(f) Are Government prepared to make good the deficiency in the number of Hindu Superintendents ?

(g) Are Government aware that this policy of Government is viewed with concern and alarm by the members of the Hindu community and has created great discontentment among the employees of that community ?

**Mr. J. A. Shillidy :** (a) A statement is laid on the table.

(b) Yes.

(c) The orders for the adjustment of communal inequalities apply to new recruitment to a cadre or a unit, which may be composed of one or more offices. They do not apply to Deputy Postmasters-General, who are promoted officers and not direct recruits. Deputy Postmasters-General are borne on a general cadre for the whole of India and Burma and their

postings to different Circles depend on service exigencies from time to time and are not made on the basis of communal representation.

(d) Government are not aware that the fact is as stated in the first part. A reply of the kind stated in the second part would have been appropriate, had it been made in answer to such a representation.

(e) Yes, except that the total is 28.

(f) Superintendents are borne on a general cadre for the whole of India and Burma and any communal inequalities are adjusted in the case of direct recruits to that cadre.

(g) No.

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*Statement of communal composition of the Deputy Postmasters-General and Superintendents of Post Offices (excluding Reserve and Probationary Superintendents) in the Punjab and North-West Frontier Circle as on the 22nd September, 1931.*

	Deputy Postmasters-General.					Superintendents.
Hindus .. .. .	..	..	..	..	..	7
Muhammadans .. .. .	..	..	..	..	2	12
Sikhs .. .. .	..	..	..	..	..	4
Europeans or Anglo-Indians .. .. .	..	..	..	..	1	5

#### QUARTERLY REPORT OF THE INDIAN TRADE COMMISSIONER AT HAMBURG.

123. **Dr. Ziauddin Ahmad** : Have Government seen the recent quarterly report of the Indian Government Trade Commissioner, Hamburg ?

**The Honourable Sir George Rainy** : Yes.

#### REMOVAL OF THE EXPORT DUTY ON HIDES AND SKINS.

124. **Dr. Ziauddin Ahmad** : Will Government be pleased to state whether, having regard to the effect of the present general trade depression on the Indian raw hide industry, they contemplate the removal of the export duty on hides and skins ? If so, when ?

**The Honourable Sir George Rainy** : The action to be taken in regard to the removal or retention of the duty is under consideration in connection with the Report of the Hides Cess Enquiry Committee.

#### REPORT OF THE HIDES CESS ENQUIRY COMMITTEE.

125. **Dr. Ziauddin Ahmad** : Will Government be pleased to state whether or not they intend to take action on the Hides Cess Enquiry Committee's Report ? If not, why not ?

**The Honourable Sir George Rainy** : Government have not yet come to a decision in the matter.

#### OPINIONS SUPPORTING THE HIDE CESS ENQUIRY COMMITTEE'S REPORT.

126. **Dr. Ziauddin Ahmad** : Will Government be pleased to state with regard to the Hide Cess Enquiry Committee's Report, what com-

munications, if any, have been received direct or through the Provincial Governments :

(a) supporting the report ; and

(b) supporting Mr. Price's minute of dissent ?

**The Honourable Sir George Rainy :** (a) and (b). Copies of the communications so far received are placed in the Library, from which the Honourable Member will be able to obtain the required information.

### STATEMENT LAID ON THE TABLE.

NUMBER OF RESIDENTIAL ENGLISH HIGH SCHOOLS AND COLLEGES IN INDIA.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands) : Sir, I beg to lay on the table the information promised in reply to starred question No. 670 asked by Mr. Badri Lal Rastogi on the 23rd February, 1931, regarding the number of residential English High Schools and Colleges in India.

*Statement showing province by province the number of Residential English High Schools and Colleges in the whole of India.*

Province.	Institutions.					
	Colleges.			High Schools.		
	Which are almost entirely residential.	In which more than 50% of students reside in approved hostels.*	In which between 25% and 50% of students reside in approved hostels.*	Which are almost entirely residential.	In which more than 50% of students reside in approved hostels.*	In which between 25% and 50% of students reside in approved hostels.*
1	2	3	4	5	6	7
Madras .. ..	3	4	16	2	27	39
Bombay .. ..	..	4	5	13	12	24
Bengal .. ..	3	3	11	1	5	29
United Provinces ..	10	6	15	15	8	15
Punjab .. ..	9	7	20	15	9	73
Burma .. ..	2	2	1	4	6	8
Bihar and Orissa ..	..	7	4	..	9	14
Central Provinces ..	2	1	1	..	6	12
Assam .. ..	1	1	1	4	..	2
Coorg .. ..	..	..	..	..	1	1
North-West Frontier Province.	..	1	2	..	..	1
Delhi .. ..	..	1	2	1	2	2
Baluchistan .. ..	..	..	..	..	..	..
Ajmer-Merwara .. ..	..	..	1	1	..	1
Hyderabad .. ..	..	..	..	..	..	2
Mysore .. ..	..	..	..	..	2	2
Central India .. ..	..	..	1	1	1	1
Rajputana .. ..	..	..	..	..	2	..
Western India States ..	..	..	..	2	..	..
British Reserve, Manipur.	..	..	..	..	..	..

\*Approved hostels are those in which the boarders are amenable to the control and discipline of the college or school authorities concerned.

## ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

**The Honourable Sir James Crerar** (Home Member) : Sir, I beg to move :

“ That this Assembly do proceed to elect in such manner as the Honourable the President may direct, seven members of the Advisory Publicity Committee to assist in the publicity work of the Government of India.”

I may mention, Sir, that this Committee was originally constituted in 1921, its functions being to advise the Government of India in publicity matters generally and in particular to scrutinise and examine the proposals for the expenditure on the bureau. During recent sessions of the Assembly,—and I am afraid I must take some blame for it myself—owing to congestion of very urgent work, the Committee which was due to have been constituted was not so constituted. I understand, however, that a desire has been expressed from several quarters of the House that the Committee should now be reconstituted. I therefore make this motion.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, may I ask the Honourable Member if there had been any meeting of this Committee last year ?

**The Honourable Sir James Crerar** : During the last year there has been no meeting because the Committee has not yet been reconstituted.

**Mr. President** : The question is :

“ That this Assembly do proceed to elect in such manner as the Honourable the President may direct, seven members of the Advisory Publicity Committee to assist in the conduct of the publicity work of the Government of India.”

The motion was adopted.

**Mr. President** : I may inform Honourable Members that for the purpose of election of Members to the Advisory Publicity Committee the Assembly office will be open to receive nominations up to 12 noon on Wednesday, the 30th September and that the election, if necessary, will take place in this Chamber on Thursday, the 1st October, 1931. The election if necessary will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

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## THE INDIAN PRESS BILL—contd.

**The Honourable Sir James Crerar** (Home Member) : Sir, I beg to move that the Bill to provide for the better control of the Press, as reported by the Select Committee, be taken into consideration.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I rise to a point of order. The point of order arises in this way. The Bill as introduced in the Assembly has not been published in the Gazette as I shall presently show, and consequently all proceedings taken thereafter, viz., the report of the Select Committee, are *ultra vires*, illegal and void. From the report of the Select Committee it appears that they certify that the Bill was published in the Gazette of the 12th September, last. I refer to the Bill as it appeared in the Government Gazette and I find—I was astonished to find—that in spite

of the reports in the newspapers, the Bill as published in the Gazette was the same as was introduced in the Delhi Session, and withdrawn. When I came here, I inquired into the matter and I found that the Bill which was introduced here was not the Bill which was published in the Gazette. You will find, Sir, on reference to the Gazette, that the Bill which was published in the Gazette contains 33 clauses. There is a Statement of Objects and Reasons over the signature of Sir James Crerar and it is dated 9th January, 1931. The Bill as introduced in this Assembly contains 32 clauses and there is a Statement of Objects and Reasons over the signature of the Home Member dated the 2nd September, 1931. It is apparent, therefore, that the Bill which was published in the Gazette is not the Bill which was introduced in the Assembly. In the circumstances, my contention is that the Bill has not been published at all as directed by the Rules and Standing Orders. The first is rule 18. This does not touch the matter now because under this rule (page 26 of the Manual) :

“ The Governor General may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.”

Of course this has not been done on this occasion and it also provides for publication of the Bill before introduction. But the clause which applies to this matter is rule 20 (page 27 of the Manual) :

“ As soon as may be after a Bill has been introduced, the Bill unless it has already been published, shall be published in the Gazette.”

This is peremptory and there is no option left either to Government or anybody else to disregard this rule.

Then, Sir, I will refer to Standing Order 41 at page 31 of the Manual. It says :

“ After publication in the Gazette of a Bill as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon.”

This implies that the Select Committee cannot take cognisance of any Bill or make their report unless previous publication has been made in the Gazette. Clause (4) of the rule says :

“ The Select Committee shall in their report state whether or not in their judgment the Bill has been so altered as to require republication.”

This presupposes that there has been a publication and they are to consider whether it requires republication. It goes further. It further says :

“ .....whether the publication directed by the rules has taken place, and the date on which the publication has taken place.”

I do not know what the Select Committee did in this matter. If they have certified in their report that the Bill was published on the 12th of September, I do not think that the Members of the Select Committee did themselves justice in saying so. The real crux of the question is this. What was the Bill which they looked into ? Is that the Bill which was published on the 12th September or is that the Bill which was introduced in the Assembly ? Apparently they looked not into the right Bill but into the wrong Bill and therefore the whole of the proceedings of the Select Committee is *ultra vires* and void. Now what is the object of publication ? It is that the whole world might know about it and not only the 140



[Mr. S. C. Sen.]

Members who adorn these Benches here. Therefore, if the Bill has been wrongly published in the Gazette, the whole proceedings of the Select Committee are wrong. I say this is a vital point and I should think that the report of the Select Committee should be considered as ineffective and inoperative.

**Mr. President :** The attention of the Chair was drawn to this point this morning and it has no hesitation in admitting that, through an oversight of the Assembly Department, a wrong Bill was published. The matter is much regretted. The question for consideration now is, what should be done in the circumstances ? The Chair will be glad to hear Honourable Members on the subject. It is clear that no further proceedings in regard to the Press Bill which is on the Agenda Paper can take place to-day. If any Honourable Member wishes to address the House he is welcome to do so.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : I think that the further course that this House should adopt is perfectly clear. I would draw your attention to paragraph 76, page 27 of the Manual of Business and Procedure, which says :

“ When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely—that it be referred to a Select Committee.”

Then you will find on page 31 the procedure which the Select Committee has to adopt. Paragraph 81 says :

“ After publication in the Gazette of a Bill as required by the Rules, the Select Committee to which the Bill has been referred shall make a report thereon. Such report shall be made ”.....

This is the point I am making :

“ Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Assembly orders the report to be made sooner.”

Consequently this clause (2) clearly contemplates that the report of the Select Committee should not be made till three months have expired from the date of the publication, unless the Assembly wishes that the report should be made earlier. Now, Sir, the object of this rule is to give the public at large sufficient notice of the provisions of the Bill so that they may criticise it and submit the Bill to their representatives in the House. The points therefore are very clear. The first is that the Assembly must give the public three months time before it takes the Bill up, unless the Assembly orders otherwise. The second is that the Select Committee cannot assume jurisdiction to report on the Bill till after the publication in the Gazette as required by the rules. The procedure that these rules and Standing Orders contemplate is very clear. The Government in a case of urgency may publish the Bill in a Gazette so as to give the public at large an idea of what they intend to do. Having done that, the Bill is as good as introduced. But then after that publication they can move for the reference to a Select Committee for further consideration. That is abundantly clear from paragraph 76. Now if you read paragraph 76 with paragraph 71, it will mean that after a Bill has been published or introduced or on some subsequent occasion the member in charge may move that it be referred to a Select Committee. Therefore, the Bill not having been published, there can be no motion for reference to a Select Committee

and because there can be no motion for reference to a Select Committee, therefore the proceedings of the Select Committee are *ultra vires*. If not *ultra vires* their power is spent. You will also remember that the Honourable the Home Member had moved that the Select Committee do submit its report on or before the 21st September. As a matter of fact the Select Committee signed their report on the 20th September and the report was presented on the 21st. Therefore, the three months did not expire and could not expire, and there is no direction for the earlier presentation of the report of the Select Committee. I therefore submit that the publication of the Bill being a condition precedent to the taking of further proceedings, further proceedings must be set aside and the Bill must now proceed after publication as if it has been introduced for the first time in this House.

**Sir Lancelot Graham** (Secretary : Legislative Department) : Sir, I should like first to thank my Honourable friend, Mr. Sen, for drawing the attention of the House to what is undoubtedly a very serious irregularity. It would have been most unfortunate if the Bill had been passed through all its stages and subsequently its illegality had been declared in a court of law. I think, Sir, the whole House owes a debt of gratitude to Mr. Sen for having pointed this out. (Hear, hear.) I am not quite sure if the House would not have felt greater gratitude if he had pointed out the irregularity a little earlier, in which case the time of this House and the money of the State might have been saved to a considerable extent. But as Mr. Sen considered it fit to make the point of order now, I am not going to quarrel with him on that account. From the applause with which the facts of the publication of the wrong Bill were greeted in this House, I should have thought that most of the Members were under the impression that the Legislative Department was responsible for that mistake. Sir, it was a very easy mistake to make and as Secretary of one of the Departments of Government, I wish to express my sympathy with the Secretary of another Department.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : It may be due to the hustling of the Bill that that mistake was made.

**Sir Lancelot Graham** : What has actually happened ? I should like to give my view of the effects of this irregularity, and particularly I may say that I agree with Mr. Sen that from the production of the report of this Committee the proceedings are irregular. The Report could not properly be made on that day the 21st, and I think that is as far as Mr. Sen wants us to go. He has suggested that the Committee might have been scrutinising the wrong Bill ; but if he had himself examined the report of the Select Committee which contains the Bill examined and presented to them and the amendments made therein by them, he would have realised that that suggestion is merely frivolous.....

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Do not commit another blunder.

**Sir Lancelot Graham** : My Honourable friend, Mr. Amar Nath Dutt, says " Do not commit another blunder ".

**An Honourable Member** : You will be challenged if you do.

**Sir Lancelot Graham** : I should like to know who committed the first blunder. I shall now get to the actual facts of this irregularity. I agree with Mr. Sen that the point where we have gone wrong was in allowing

[Sir Lancelot Graham.]

the report of the Select Committee to be presented on the morning of the 21st September. So far I agree. But I must join issue with my friend, Sir Hari Singh Gour, when he suggests that the motion to appoint the Select Committee could not be made until after publication of the Bill in the Gazette. I must say I am surprised that my Honourable friend should have made that suggestion. As he says, there are three rules, or rather one rule and two Standing Orders concerning this matter. We are not concerned with the earlier rule, which deals with the publication of a Bill before introduction. That is Legislative Rule 18. The rule with which we are concerned is Legislative Rule 20, which says that, as soon as may be after a Bill has been introduced, unless it has already been published, it shall be published in the Gazette. But it will be observed that that does not affect the fact of introduction. A Bill is introduced by moving for leave to introduce, and then saying, "I introduce the Bill". Thereafter the Bill is introduced, and publication has nothing whatever to do with the introduction of the Bill. Therefore when my Honourable friend, Sir James Crerar, got up on the morning of the 7th September and said, "I introduce the Bill", that Bill was introduced.

Now, we proceed to the Standing Orders which govern this matter. Standing Order 38 is the one which really contains the whole matter and it says this : when a Bill is introduced, that is to say, on the day on which it is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill—that it be taken into consideration, or referred to Select Committee, or circulated. A motion for referring this Bill to Select Committee was made on Friday the 11th. The making of that motion depended solely on the fact that the Bill had been introduced, and it did not depend, as suggested by my Honourable friend, Sir Hari Singh Gour, on the Bill having been published. I think that is perfectly plain not only because there is no mention of that condition here, but because that motion could have been made on the very day on which the Bill was introduced.

**Sir Hari Singh Gour :** May I intervene for a moment and say that my Honourable friend and I seem to be at one on that point. The Select Committee may have been validly appointed. But that Committee could not make a report ; that is what I was submitting all the time.

**Sir Lancelot Graham :** I understood from my friend that everything to do with the Select Committee, including its appointment, was involved. I do not know if he conveyed the same impression to other parts of the House.....

**Sir Hari Singh Gour :** This portion of the motion saying that they should report on or about the 21st being part of the motion appointing the Select Committee, the whole motion appointing the Select Committee will now have to be revised and a fresh motion made ; that was my point.

**Sir Lancelot Graham :** I did not understand him to be making that suggestion. It was not made by the Honourable Member when he made his speech. Probably it was an after-thought which he wanted to put in by way of interruption. As I was saying, the Honourable Member in charge was entitled to make his motion that the Bill be referred to a

Select Committee, although publication had not been made. Publication has nothing to do with it.

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : No, no.

**Sir Lancelot Graham** : As I said, the motion was made on the 11th to refer the Bill to Select Committee. It has been suggested that the date of publication of the Select Committee's report may be changed. The proceedings in Select Committee took rather longer than expected. It was originally expected that they would report by the 18th ; and afterwards it was altered to the 21st.

We now pass on to the Standing Order 41 ; Honourable Members will remember that the motion that was put before them was that the Bill be referred to a Select Committee consisting of a certain number of persons named therein, with instructions to report on or before the 21st September. Those provisions were put in because in the opinion of the Government the matter was urgent. It was open to any Member of this House at the time to move an amendment that those words should be struck out. No such amendment was moved, and the motion was passed in the form that the Select Committee should report on or before the 21st September. Consequently there is no question now of the three month's limit referred in Standing Order 41 applying. But what is necessary still under sub-order (1) of Standing Order 41 is that a report should be made after publication in the Gazette of the Bill ; and therefore I fully agree with my distinguished friend, Mr. S. C. Sen, that so far there has been no publication under the rules.

Now, I come to the remedy. I trust that I have convinced the House that up to the time of the appointment of the Committee with instructions to report on the 21st, there was no irregularity. The complication now comes in that, owing to the fact that the Bill which was introduced on the 7th September, not being duly published in the Gazette of India, the presentation of the Select Committee's report on the 21st was premature. They were not entitled to make their report until after publication of the Bill in the Gazette. The question now is how we can remedy the defect. As regards the Select Committee we may say that they have been a little premature. They presented their report too soon on the understanding that the Bill had been published ; that understanding was incorrect.

**Sir Hari Singh Gour** : It is *functus officio* after doing that.

**Sir Lancelot Graham** : The Select Committee, having merely presented a premature report, has not become *functus officio* ; they have not ceased to exist because they have not yet presented a valid report. But they are not thereby discharged from performing their duty because they have presented a premature report.....

**Sir Hari Singh Gour** : Without a fresh power from the House.

**Sir Lancelot Graham** : Not at all. They came to the House too soon, and the House can say, " Well, go back now and come back on the right day ". I am going to suggest a remedy ; that is, that the Assembly Department should today in a Gazette Extraordinary publish the Bill as introduced on the 7th ; thereafter the Select Committee should be recalled to complete their work.....

**Sir Hari Singh Gour** : The Select Committee should be reappointed.

**Sir Lancelot Graham** : Not reappointed, but recalled by the Chairman. The Select Committee should be recalled by the Chairman, and there will be no irregularity at all. The Chairman will then satisfy itself that the real Bill which was referred to the Select Committee has been published, and after he has so satisfied himself, the Committee will sign their report, and the Honourable Member in charge of the Bill will lay the Select Committee's report on the table.

Then, Sir, we shall have to consider the next stage. The next stage will be a motion that the House do take into consideration the Bill as reported by the Select Committee. Finally, Sir, I repeat that the appointment of the Select Committee and its sittings are in order, and the only point on which the Committee has gone wrong is in their presentation of the Bill too early. I now, Sir, with confidence leave the matter in your hands.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, after listening to the Honourable Member who has just spoken, I think there is one point which requires to be made clear which will be a great factor in your decision. Legislative Rule 20 says at page 80, "As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette". Now, it is incumbent upon the authority who introduces the Bill, that the Bill must be published either before or as soon after as it is introduced in the Assembly. Now on page 112 Standing Order 38, to which reference was made by my friend just now, says that when a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions, namely, that it be taken into consideration by the Assembly at once or at some future day to be then specified. Of course, the Bill can be introduced without publication in the Gazette, but it is not clear from Standing Order 38, whether the subsequent motions which say that the Bill be taken into consideration or that it be referred to a Select Committee and so on, whether these subsequent motions can be made after the Bill has been published in the Gazette or not. Rule 20 lays down two conditions, either there should be a previous publication or a subsequent publication. If Standing Order 38 refers to that condition, and the Bill has already been published, then it is all right, but it is not clear from Standing Order 38 whether these subsequent motions can be made if the Bill had not been published as required by Legislative Rule 20. Before that publication is made in the Gazette, the question is whether these motions can or cannot be made, and that point has not been made clear by the Honourable Member, and this is a point which will require some elucidation from the Chair.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, as pointed out by my friend, Mr. Sen, under rule 20 and Standing Order 41 there should be a previous publication in the Gazette, and the Select Committee considered a Bill quite different from the one that was published in the Government Gazette under the rule. The Bill that this House is to consider is a Bill that is introduced in it, and in this case the House considered the Bill that was introduced, but under the rule and Standing Order that Bill has no leg to stand upon now. Let us treat the discussions so far in this House as more or less like those of a Committee of the House of Commons considering a Bill

which as has been shown had no connection whatever with the Bill that was published in the Gazette. According to the rule, this amended Bill is invalid, as my friend has pointed out. Therefore, when the Government publish the new Bill,—and I would advise them to publish the Bill as reported by the Select Committee as the new Bill,—the House can go through all the stages, not only of the circulation of the Bill but also of its reference to the Select Committee if the House so chooses. That is the point I wanted to make.

Incidentally I want to tell my friend Sir Lancelot Graham that so far as Mr. Sen was concerned, it was not possible for him to place this information before the House, because he came to Delhi from Calcutta only a day or two before yesterday, but the Honourable the Home Member gave him an opportunity by making the motion that he has made to-day to raise a constitutional objection under the rules and Standing Orders. I thought when my friend Sir Lancelot Graham suggested that Mr. Sen could have informed the Government earlier,—though the Opposition, whether in this House or in the House of Commons owes no duty whatever of the kind to the Government,—he was speaking rather under a misapprehension. Finally, I would seriously urge upon your attention, Sir, to consider that the Select Committee had no leg to stand upon in the absence of the due publication of the original Bill in the Gazette, without which this Bill as amended has been introduced.

**Mr. President :** The Chair does not wish to prolong the discussion. The Chair holds that the Bill was validly introduced ; there can be no question about it. Now what happens after a valid introduction of a Bill ? Standing Order 38 says—“ When a Bill is introduced or on subsequent occasion the Member in charge may make one of the following motions in regard to his Bill ”. I should like to invite the attention of Honourable Members to the fact that immediately after leave to introduce a Bill is granted by the House and the Honourable Member in charge introduces the Bill, he is entitled to move one of the three motions mentioned in the Standing Order, one of which is that the Bill be referred to a Select Committee. Therefore, the motion to refer a Bill to a Select Committee does not require previous publication. The Standing Order is quite clear on the subject. The motion to refer a Bill to a Select Committee is perfectly in order, and the House can consider and pass it without previous publication. This is confirmed by Standing Order 41. I do not wish at this stage to invite attention to the rule which makes it compulsory that a Bill shall be published immediately or as soon after introduction as possible. There is no difference of opinion on that issue. Now, let us refer to Standing Order 41. It says :

“ After publication in the Gazette of a Bill, as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon.”

These words also indicate that it is open to the House to appoint a Select Committee immediately after the formal introduction of a Bill. The Select Committee may be appointed, but they are required not to make a report before publication in the Gazette. As publication in the Gazette through an unfortunate oversight has not taken place, no report can be made by the Select Committee. The point at issue therefore is whether the report of the Select Committee presented to the House can be considered by the Assembly. The obvious answer is that it cannot, because the report was presented before publication of the Bill, in contravention of Standing Order 41.

[Mr. President.]

I hold therefore that as the Agenda Paper of to-day's meeting contains only one item, *viz.*, the Press Bill, the House cannot proceed to consider it. As regards what is to happen in these circumstances, is a question on which the Chair does not feel called upon to express any opinion at present. The ruling given is clear that the House cannot consider the Select Committee's report, it having been presented before publication, in contravention of Standing Order 41. The Chair wishes, however, to say that it is quite prepared to agree to any solution which may be suggested consistently with the rules and Standing Orders. As this unfortunate incident has occurred through the oversight of the Assembly Department, the Chair is very anxious to co-operate with the Honourable House to find a reasonable solution of the difficulty which has arisen. The Chair will be prepared to give the best and most sympathetic consideration to any practical suggestions which may be made from any part of the House in order to help the further progress of the business before the Assembly. The Chair has now no option but to adjourn the House till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th September, 1931.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 29th September, 1931.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### GOVERNMENT SERVANTS MURDERED DURING THE LAST FIVE YEARS.

1059. \*Kunwar Hajee Ismail Ali Khan : Will Government kindly lay on the table the following information regarding those Government servants who are subordinates to the Governor General in Council and were murdered during the last five years, in communal and political disturbances ?

1	2	3	4
Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.

The Honourable Sir James Crerar : The information is being collected and will be communicated to the Honourable Member in due course.

†1060.

#### PROMOTIONS TO THE POST OF INSPECTING OFFICER IN CANTONMENTS.

1061. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that old experienced and senior Executive Officers (of the Cantonment Magistrates Department) have recently been ordered to pass a double examination (or fresh examination) before securing the post of Inspecting Officer ?

(b) Is it a fact that in consequence of the order referred to in part (a), inexperienced and junior officers are being promoted after a single examination to the post of Inspecting Officer over the heads of their seniors ?

(c) Is it a fact that these junior officers (Captains or Majors) on being appointed Inspecting Officers make a big jump and become Colonies drawing double the amount of pay to their usual scale of pay ?

(d) If the answer to part (c) is in the affirmative, will Government be pleased to state how far they are justified in putting fresh burdens on the exchequer especially at this critical juncture when all the departments are doing their best to retrench their expenses ?

†This question was disallowed by Mr. President.



(e) Are Government aware that great discontent is prevailing among the old and senior officers and, if so, are Government prepared to consider the advisability of removing all such restrictions for senior officers forthwith ?

**Mr. G. M. Young :** (a) No, Sir. In 1926, shortly after the framing of the Military Land Administration rules under the Cantonments Act, 1924, a special examination was prescribed for those officers of the late Cantonment Magistrate's Department who had not already reached, or officiated in, appointments of Inspecting Officer, to qualify themselves for such appointments under the new system of cantonment and military land administration. The examinations were optional, and were held twice annually from October, 1926 to April, 1929, when they were discontinued.

(b) No, Sir. It is a fact that there are a few senior officers still serving in the Department as Executive Officers, who did not wish to take the examination, and are consequently not qualified for appointment as Inspecting Officers. But with these exceptions, appointments of Inspecting Officers are made by selection from among the most senior officers of the Department. The most junior officer at present officiating as Inspecting Officer has 26 years' total military service, and over 12 years' service in the Cantonments Department.

(c) The answer is in the negative.

(d) Does not arise.

(e) No, Sir. The emoluments of Inspecting Officers are very little more than those of senior Executive Officers : and as I have already indicated, a few officers who declined to qualify for appointment to the administrative grade did so at their own option.

#### COMMENT IN A NEWSPAPER ON A PENDING CASE BY AN HONORARY MAGISTRATE.

1062. **\*Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that a case, Fateh Chand *versus* Jethmal, under section 500, I. P. C., was pending in the Court of the Honorary Magistrate's Bench—A at Ajmer in 1929, when an article relating to the subject-matter of the said case was published by Dr. Gulab Chand Patni, a member of the said Bench, in his newspaper, the *Syadwad Martand*, Ajmer, dated the 15th August, 1929 ?

(b) Are Government aware that in his orders, dated the 4th October, 1929, in Criminal Application No. 33 of 1929, the Hon'ble the Judicial Commissioner, Ajmer-Merwara, made the following remarks on the conduct of the said Gulab Chand Patni in connection with the said article ?—  
“ It is nothing short of contempt of Court, and in England he, the writer and editor of the paper, would all have been fined for contempt of Court for commenting on pending proceedings with a view to prejudicing the trial. A man who is a magistrate should not have published an article of that kind. It is a scurrilous and offensive article ”.

(c) Did Government take any steps, relating to the said Dr. Gulab Chand Patni on the above remarks of the Hon'ble the Judicial Commissioner ? If so, what ? If not, why not ?

(d) Is it a fact that the said Dr. Gulab Chand Patni has continued to be, and is still, an Honorary Magistrate at Ajmer after the remarks of the Hon'ble the Judicial Commissioner referred to in part (b) above ?

**Mr. E. B. Howell :** (a), (b) and (d). Yes.

(c) Gulab Chand Patni expressed regret to the Commissioner of Ajmer, who warned him that any such lapse in future would involve serious consequences for him.

**APPOINTMENT OF AN UNTRAINED TEACHER IN THE GOVERNMENT SECONDARY SCHOOL AT PISANGAN, AJMER-MERWARA.**

1063. **\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that an untrained teacher has been recently appointed to teach English in the Government Secondary School, Pisangan, Ajmer-Merwara ?

(b) Is it a fact that untrained English teachers are not allowed to be employed in Government service to teach English under (i) the rules of the Educational Code in force in Ajmer-Merwara ; (ii) the combined cadre of teachers in Ajmer-Merwara recently sanctioned by Government ? If so, why was the untrained teacher referred to in part (a) above appointed in violation of rules ?

(c) How many Anglo-Vernacular teachers were trained for the C. T. Examination at Government expenses in the Government Normal School, Ajmer, in 1929-30 and 1930-31 ?

(d) How many of the above teachers were successful in the C. T. examination and how many of them were employed in Government service ?

(e) Is it a fact that several teachers successful in the C. T. examination in 1930, and 1931, and trained for that examination at Government expense in the Government Normal School, Ajmer, have not been provided with employment in Government service ? If so, why was the untrained teacher referred to in part (a) above given preference to such teachers trained at Government expense in regard to appointment in Government service in the Government Secondary School, Pisangan ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** With your permission, Sir, I shall deal with questions Nos. 1063 and 1064 together. The information asked for is, I regret, not available at present, but it is being collected and will be supplied as soon as possible.

**GOVERNMENT GRANT TO THE D. A. V. HIGH SCHOOL, AJMER.**

1064. **\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Government grant-in-aid to the D. A. V. High School, Ajmer, was discontinued in 1929-30 ? If so, why ?

(b) Is it a fact that the Government grant-in-aid to the said school has been again sanctioned ? If so, from what date ?

(c) Will Government please place on the table of the House a list of the present teachers in the D. A. V. High School, Ajmer, stating (i) the number of trained teachers, (ii) the number of untrained teachers who have passed any examination of a University, Board, or department recognised by Government, and (iii) the number of untrained teachers who have not passed any examination of a University, Board, or department recognised by Government ?

†For answer to this question, see answer to question No. 1063.

(d) Is it a fact that there is a good number of untrained and unqualified teachers in the said D. A. V. High School, Ajmer ?

(e) Is it a fact that some untrained and unqualified teachers of the said D. A. V. High School are drawing higher salaries than some trained teachers of the said school ? If so, is it a fact that untrained Arya Samajist teachers are given preference to trained non-Arya Samajist teachers in the said school in matters of salary and status ?

(f) Is it a fact that the Government grant-in-aid to the aided schools in Ajmer-Merwara towards the expenses incurred in the salaries of teachers is calculated on the basis of scale of salaries fixed for trained and qualified teachers by the Education Department, Ajmer ?

(g) If what are stated at parts (d), (e) and (f) above are facts, will Government please state why the Government grant-in-aid has been again sanctioned for the said D. A. V. High School, Ajmer ?

#### APPOINTMENT OF A SUPERANNUATED OFFICER AS SECRETARY OF THE RAJPUTANA BOARD OF SECONDARY EDUCATION.

1065. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Secretary of the Rajputana Board of Secondary Education is an officer who has retired on superannuation from the Provincial Educational service of the United Provinces ?

(b) If so, will Government inquire and state why a superannuated officer has been appointed to the said Secretary's post ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 1065, 1066 and 1067 together.

Enquiries have been made from the Local Administrations and the information will be supplied to the Honourable Member as soon as replies are received.

#### FEES CHARGED FROM CANDIDATES FOR EXAMINATIONS IN RAJPUTANA.

‡1066. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the fees charged from the candidates for the examination held by the Rajputana Board of Secondary Education are higher than the corresponding examinations of the Board of Secondary Education in the United Provinces ?

(b) If so, will Government inquire and state why higher fees are charged in Rajputana than in the United Provinces ?

(c) Do Government propose to take any action in the matter ? If so, what ? If not, why not ?

#### COST OF THE BOARD OF SECONDARY EDUCATION IN RAJPUTANA.

‡1067. \*Khan Bahadur Haji Wajihuddin : (a) Will Government please place on the table of the House a statement comparing the Board of the High School Examination of the Delhi Province with the Board of Secondary Education in Rajputana in regard to :

(i) the annual amount of money paid as salary and allowance to the Secretary,

- (ii) the number of office clerks,
- (iii) the total amount of money annually spent in the pay of the establishment, and
- (iv) the total amount of money annually spent in contingencies and house rent ?

(b) Is it a fact that there is a full time and highly paid Secretary for the Rajputana Board of Secondary Education, whereas in the Delhi Province there is a part-time Secretary for a similar Board ?

(c) Is it a fact that the Secretary of the said Rajputana Board is assisted by a larger and more costly establishment of clerks than that of the similar Board of the Delhi Province ?

(d) Do Government propose to curtail the expenditure of the said Rajputana Board by appointing a part-time Secretary for it in consideration of the present economical crisis ?

#### PAY AND ALLOWANCES OF THE INDIAN CIVIL SERVICE.

1068. \*Sirdar Harbans Singh Brar : (a) What is the time-scale of pay of the I. C. S. ?

(b) What allowances are admissible to officers of the I. C. S. both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations ?

(c) What were the grounds for which these concessions were allowed ? Have not those grounds since disappeared ? If so, do Government propose to withdraw the allowance and make a percentage cut in their salaries ?

(d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat ?

(e) Is there any special reason for continuing these allowances when the allowances of the subordinate staff are being curtailed ?

(f) Do Government contemplate to abolish these special pays ? If not, why not ?

The Honourable Sir James Crerar : I would refer the Honourable Member to my reply to Bhai Parma Nand's starred question No. 907 on the 23rd instant.

#### CONVEYANCE ALLOWANCE FOR SECRETARIAT STAFF IN DELHI.

1069. \*Sirdar Harbans Singh Brar : (a) What is the rate of conveyance allowance granted to the staff of the Government of India while at Delhi ? Why and for what purpose was it sanctioned ?

(b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers also ? If so, what is the percentage of reduction of this allowance in the case of both the classes of officers ?

(c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing handsome salaries ?

**The Honourable Sir James Orerar :** With your permission, Sir, I propose to reply to questions Nos. 1069 and 1070 together. I would refer the Honourable Member to the replies given on 24th September, 1931, to starred questions Nos. 905 and 906.

#### ABOLITION OF "SEPARATION" ALLOWANCE AND FIXATION OF MINIMUM PAYS.

†1070. **\*Sirdar Harbans Singh Brar :** (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance altogether ?

(b) What is this allowance and when and why was it sanctioned ? Have the grounds on which it was granted ceased to exist or are they still present ?

(c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi ?

(d) Do Government propose to fix a minimum standard of pay of an individual below which the pay and allowances of any servant, granted before the war when the prices were at par with the present prices, should not be reduced ? If not, why not ?

(e) If the answers to parts (a) and (c) be in the affirmative do Government propose to let this allowance stand as it is ?

#### PROTECTION FOR THE MATCH INDUSTRY.

1071. **\*Sirdar Sohan Singh :** (a) Will Government be pleased to state whether they intend taking any action in regard to the recommendations of the Tariff Board regarding the grant of protection to the match industry ?

(b) Are Government aware that the Tariff Board stated that, although they did not desire to suggest any action against the Swedish match combine on the ground of unfair competition "in the present circumstances", yet taking into account the vast resources of the company and the policy pursued by them in other countries, it is necessary that future developments of the company in India should be watched ?

**Mr. J. A. Shillidy :** The attention of the Honourable Member is invited to the Resolution by the Government of India in the Department of Commerce, No. 235-T. (24), dated the 1st September, 1928, published in the Gazette of India of the same date.

#### ABSORPTION OF INDIAN MATCH COMPANIES BY THE WESTERN INDIA MATCH COMPANY.

1072. **\*Sirdar Sohan Singh :** (a) Are Government aware that the activities of the Swedish match combine, through its offshoot the Western India Match Co. Ltd., has, since the Tariff Report was published, consistently pursued a policy of absorbing Indian concerns and of entering into unfair competition with those Indian firms which it has not so far absorbed ?

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†For answer to this question, see answer to question No. 1069.

(b) Are Government aware that this offshoot of the Swedish match combine is in reality only an Indian concern in name, in spite of its Indian directorate and rupee incorporation ?

(c) Have Government given consideration to the question as to whether the methods employed by the Western India Match Company will result eventually in the absorption of every Indian match-manufacturing concern or else its destruction ?

**Mr. J. A. Shillidy :** With your permission, Sir, I propose to answer questions Nos. 1072 to 1074 together. The activities of the Swedish Match Company and their effect on the indigenous match industry are under examination by the Government of India. The Government are not in a position at present to make any statement on the subject.

#### REPRESENTATION BY THE INDIAN MATCH-MANUFACTURERS' ASSOCIATION.

†1073. **\*Sirdar Sohan Singh :** (a) Have Government received any representation from the Indian Match-Manufacturers' Association ? If so, what action has been taken on that representation ?

(b) Will Government be pleased to state whether the charges made by the Indian Match-Manufacturers' Association against the Western India Match Company were communicated to Government and whether Government informed the Indian Match-Manufacturers' Association that they were communicating those charges to the Western India Match Company ?

(c) Is it a fact that the Indian Match-Manufacturers' Association agreed to this proposition on the understanding that the rejoinder issued by the Western India Match Company would be communicated to them ?

(d) Is it a fact that the rejoinder has not been communicated to the Indian Match-Manufacturers' Association ?

#### PROTECTION FOR THE MATCH INDUSTRY.

†1074. **\*Sirdar Sohan Singh :** Are Government prepared to consider :

(1) the levy of excise duty, and

(2) the fixation of a minimum selling price,

in order that the necessary amount of protection should be afforded to the Indian match-manufacturers against the progress of cut-throat competition by the Swedish combine and its offshoots ?

#### CONTRACTS FOR MOTOR MAIL SERVICES IN MADRAS AND CALCUTTA.

1075. **\*Sirdar Harbans Singh Brar :** (a) What is the subsidy for mail-motor service in Madras and Calcutta ? When were the contracts for these services entered into and for what period ? Is there any provision in the contracts to terminate them by giving notice ? What is the object of such provision ?

(b) Are Government aware that there is a feeling that the India Company is unduly favoured by the Department both as regards the abnormally high subsidy and abnormally long period of the contract ? Why cannot

†For answer to this question, see answer to question No. 1072.

Government take advantage of the provision for terminating the contract by notice and take new contracts by open competition ?

(c) Are Government aware that in Madras it is possible to give the contract on Rs. 6,000 or Rs. 7,000 a month instead of the Rs. 10,000 paid to the India Company ?

(d) Are Government aware that the Managing Director of the Company is in the habit of entertaining the Director General and Postmasters General at tea-parties and dinner parties and that a few months back he even entertained the present Postmaster General and his predecessor to a dance ? Are Government prepared to issue orders deprecating high officers placing themselves under obligation to contractors ?

(e) Are Government prepared to terminate the contract of Madras under the notice clause and to give a fresh contract by open competition ?

**Mr. J. A. Shillidy :** (a) The replies to the four questions in this part are *seriatim* as follows :

*First.*—Monthly subsidy—

Madras, Rs. 10,000 recently reduced to Rs. 9,000 ;

Calcutta, for the first five years Rs. 17,000, for the next five years Rs. 16,000.

*Second.*—Madras, 16th May, 1921, 15 years—

Calcutta, 1st September, 1925, 10 years.

*Third.*—There is such a clause in the form of agreement drawn up in the case of Madras, but not in that of Calcutta, there being in both cases, however, the usual clause empowering Government to terminate the agreement for default.

*Fourth.*—To give either party option of release for any reason.

(b) The reply to the first part is in the negative. With respect to the second part, the Madras subsidy has been reduced by Rs. 1,000 a month and Government do not consider any further action necessary at present. As already stated, the Calcutta agreement is not terminable by notice.

(c) No, Sir.

(d) So far as the Postmasters General are concerned, Government have no information. So far as the present Director General is concerned, he has informed Government that he has from time to time accepted the invitation to a tea-party from a gentleman, whom he supposes is the Managing Director.

I may say that I give this explanation at the special request of the Director General himself, but personally I thought that all who know Sir Hubert Sams will agree with me that an explanation of this kind is utterly unnecessary.

With respect to the second part of this question, Government see no necessity to issue any such orders, as Government can trust the Director General and a Postmaster General to accept such hospitality with discretion. I would add that since the Director General visited Madras in December, 1930, the question of reducing the subsidy has been energetically pursued and concluded by the Director General.

(e) In the circumstances already indicated, Government do not propose to take the action suggested by the Honourable Member.

**Mr. K. P. Thampan :** May I know what objection Government have to inviting tenders for the contract in Madras ?

**Mr. J. A. Shillidy :** There is a contract now.

**Mr. K. P. Thampan :** Is there any objection to inviting tenders when the contract expires ? Is it not necessary to find out whether there are others who can do the work for a smaller or a lesser amount ?

**Mr. J. A. Shillidy :** We have entered into a contract now.

**Mr. K. P. Thampan :** How long has the present contractor been entrusted with this work ?

**Mr. J. A. Shillidy :** I should like notice of that, please.

#### CONFIRMATION OF TEMPORARY EMPLOYEES IN THE RAILWAY BOARD.

1076. **\*Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that for a considerable time past a number of qualified men have been working in the office of the Railway Board in temporary capacities ?

(b) Are any vacancies likely to occur in the Third Division in the near future and is there any proposal under consideration to confirm in these vacancies those qualified men who have been working for a long time in a temporary capacity ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) Except for temporary men who were engaged before recruitment to the Railway Board's office was made through the Public Service Commission, preference is given to qualified men. Such vacancies as existed have been so filled recently and no more are likely to arise in the near future.

#### TRAVELLING ALLOWANCES AND RAILWAY FARES.

1077. **\*Mr. B. N. Misra :** (a) Will Government please state whether it is a fact that the North Western Railway have increased their fares from the 1st October 1931 ?

(b) If so, do Government propose to revise the travelling allowance rates admissible to men employed in the Government of India offices, so that they may have effect from the 1st October 1931 ?

(c) Is it a fact that first and second class railway fares are admissible to men drawing Rs. 751 and Rs. 201, respectively ? Are Government prepared to raise the limit to Rs. 1,001 and Rs. 401, respectively, thereby saving a considerable amount of money ? If not, why not ?

**The Honourable Sir George Schuster :** (a) Yes, except for journeys of over 300 miles by intermediate class, in which case the fares have been reduced.

(b) Yes.

(c) Yes. This point is one of those that will be considered in connection with the revision of the travelling allowance rules which is at present engaging the attention of Government.



PROVISION OF INCREASED INTERMEDIATE CLASS ACCOMMODATION FOR THE  
MOVE FROM SIMLA TO DELHI.

1078. \***Mr. B. N. Misra** : (a) Is it a fact that a very few intermediate class compartments are available at Simla and Kalka on the occasion of the Government of India move ?

(b) If so, do Government propose to instruct the railway authorities at both the places to look into the matter and do the needful ?

**Mr. A. A. L. Parsons** : (a) Yes. The intermediate class accommodation available on the Kalka-Simla section is adequate for normal requirements, but is not sufficient for the abnormal traffic created by the move of the Government of India from Simla to Delhi and Delhi to Simla.

(b) Government understand that the North Western Railway Administration utilise to the fullest extent possible all carriages available when traffic is abnormal and do not consider that any instructions to the Administration are called for.

DISCUSSION OF REPORTS OF THE RETRENCHMENT COMMITTEES.

1079. \***Sir Hari Singh Gour** : (a) Is it the intention of Government to give this House an opportunity this session to discuss the question of retrenchment of the general expenditure, with or without the aid of the reports of the various Retrenchment Committees appointed for the purpose of advising Government on the subject ?

(b) If so, what date will be set apart for the purpose ? If not, when is this House to be given such opportunity ?

**The Honourable Sir George Schuster** : I would refer the Honourable Member to the announcement which I made last Thursday.

**Sir Hari Singh Gour** : In view of the importance of the question, will the Honourable Member be pleased to repeat the announcement which he says he made last Thursday ? We do not seem to have heard it.

**The Honourable Sir George Schuster** : I should have thought that the Honourable Member would have recollected a subject on which there was so very full a debate on Saturday. My announcement referred to two things ; firstly, to our currency policy, and secondly, to the intention of Government to introduce a Finance Bill this week. In explaining the latter intention, I said that that would afford the opportunity for this Assembly to discuss the Government's retrenchment plans about which I had repeatedly been asked various questions during the course of this session. The discussion of the Finance Bill and the whole of the Government's financial programme will give opportunities for discussing Government's retrenchment plans, which are perhaps the most important part of the Government's financial programme.

**Sir Hari Singh Gour** : Do I understand the Honourable the Finance Member to imply that the Government's retrenchment plans are completed ? If I understand aright, the Committees have not yet gone into all the items which were placed before them.

**The Honourable Sir George Schuster** : I think, I may ask the Honourable Member, Sir, to await the statement which I propose to make this evening.

**Mr. Gaya Prasad Singh :** May I ask if the Government have any knowledge as to the amount of savings that will be effected as a result of these retrenchment proposals ?

**The Honourable Sir George Schuster :** I shall do my best to convey to this House the knowledge which the Government have in the course of my statement this evening.

**Mr. Gaya Prasad Singh :** May I know when the Retrenchment Reports will be presented to the House ?

**The Honourable Sir George Schuster :** All Retrenchment Reports which have already been received will be circulated to Honourable Members along with any financial statements which are being circulated this evening.

#### ALTERNATIVE PROCEDURE TO QUESTIONS.

1080. **\*Mr. G. Morgan :** Have Government considered what procedure, other than that of interpellation and answer, is possible to provide Honourable Members with such information as may be desired in respect to departmental detail, particularly concerning appointments on railways, with a view to saving :—

(a) the time of the Assembly ; and

(b) the very considerable labour and expense involved in collecting the information ?

**The Honourable Sir George Rainy :** (a) and (b). The matter is one in which the remedy lies rather in the hands of Honourable Members than in the hands of Government. The time of the Assembly would be saved if Honourable Members were to ration themselves in the matter of stars. (Laughter.) But if the information asked for is to be supplied, I do not at present see how the labour and expense involved in collecting it is to be avoided. (Laughter.)

**Mr. K. Ahmed :** Are Government aware that if the various high officials on the railways will only put a proper and sufficient check on the officials below them so as to ensure that they do not commit irregularities and illegalities in the Department, such cases may be greatly reduced ?

**Mr. A. A. L. Parsons :** Sir, I am afraid, I am entirely unable to accept the Honourable Member's allegation that the high officers on the railways do not do their best to stop illegalities on the railways.

**Mr. K. Ahmed :** May I, Sir, with your permission, illustrate my meaning with some actual cases ?

**Mr. A. A. L. Parsons :** Sir, I shall be delighted if the Honourable Member will bring to my notice definite cases of which he is aware.

**Mr. K. Ahmed :** Are Government aware that Mr. Parsons had been informed adequately of various grievances of those connected with the coal-fields, and that in the matter of acceptance of tenders for the supply of coal, there has been a lot of agitation, and if Mr. Parsons will go to the coal-fields, he can look into the question and thereby save Government thousands of rupees ?

**The Honourable Sir George Rainy :** I am afraid, I could not catch the Honourable Member's question, Sir.

**Mr. K. Ahmed :** Is it not a fact that the Honourable Mr. Parsons was informed adequately that there are lots of grievances of the people of this country in the matter of the acceptance of tenders of coal and other goods that his Department consume every year on the many lines of railways under him ?

**Mr. A. A. L. Parsons :** I have not been informed of these facts, if they are facts, nor do I think this supplementary question really arises out of the main question.

**Mr. K. Ahmed :** Is it not a fact also that there is one Chief Engineer of Mines at Calcutta at 1, Council House Street with whom the Honourable Member is familiar, and that there is a lot of illegality done in that office in the matter of the acceptance of tenders of coal ?

**Mr. A. A. L. Parsons :** The Honourable Member is referring to a case which took place very nearly ten years ago, and in which the higher officials of the railway took steps to stop the illegality.

**Mr. K. Ahmed :** And in spite of that, there have been a lot of questions asked, and which have not been adequately answered ?

**Dr. R. D. Dalal :** May I ask if the Government can give us the average cost of answering a question ? (Laughter.)

**The Honourable Sir George Rainy :** I should certainly have notice of that, Sir, before I could answer that question.

#### POSTPONEMENT OF EXAMINATIONS FOR THE INDIAN AUDIT AND ACCOUNTS AND FOREST SERVICES.

1081. **\*Mr. Rahimtoola M. Chinoy :** (a) Is it a fact that Government have decided not to hold examinations for the Indian Audit and Accounts Service and the Indian Forest Service this year ? If so, what are the reasons for it ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state for how long they have postponed these examinations ?

(c) Do Government realise that as a result of this postponement many candidates will be over-age and will thus be deprived, for ever, from appearing in these examinations ?

(d) Do Government propose to consider the advisability of extending the age-limit for these examinations for those candidates, who will be deprived from sitting for these examinations for no fault of theirs ? If not, why not ?

**The Honourable Sir George Schuster :** (a) I would refer the Honourable Member to the replies given by the Honourable Sir James Crerar to parts (d) and (e) of Mr. Bhuput Singh's question No. 121 and parts (a) and (b) of his question No. 384 on the 10th and 16th September, 1931, respectively.

(b) No decision has yet been taken regarding recruitment in future years.

(c) This is possible.

(d) It will not be necessary to consider the Honourable Member's suggestion if recruitment to the Indian Forest Service on an all-India

basis is stopped under the new constitution. As regards the Indian Audit and Accounts and allied Services, Government are not prepared to extend the age limit at the examination, if any, to be held in 1932 or in subsequent years. The grievance of a candidate disappointed by the absence of an examination this year, but afforded an expectation by the extension of the age limit that an examination will be held in 1932 would be greatly accentuated if in the end, it should happen that there is no examination next year, or that the number of vacancies is so small as to reduce to insignificant dimensions his chances of success.

**GRANT TO THE INDIAN RESEARCH FUND ASSOCIATION.**

1082. \***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the grant from the Government of India to the Indian Research Fund Association prior to the Incheape cut was Rs. 7,50,000 a year ?

(b) If so, is it a fact that the administrative charges for the central office of the said Association were incurred on account of only one routine division clerk (Rs. 75—4—155) ?

(c) Is it a fact that the Incheape Retrenchment Committee cut down the grant to Rs. 5,00,000 a year ?

(d) If so, is it a fact that the post of the clerk was converted to that of an assistant (Rs. 120—8—160—10—350) ? If so, why ?

(e) Is it a fact that the Government annual grant to the Association was restored to Rs. 7,50,000 in 1925 ?

(f) If so, will Government please state whether the post of the clerk was changed to a higher grade of Rs. 200—12—440, and if so, the reason why this was done ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) No. It was Rs. 5 lakhs a year.

(b) Prior to 1923, there was one clerk in the office of the Governing Body of the Association in the grade of Rs. 100—8—300 per mensem and one clerk in the office of the Scientific Advisory Board in the grade of Rs. 75—4—155 per mensem.

(c) No. As a result of the recommendation of the Incheape Retrenchment Committee, the grant to the Association was temporarily suspended from the 1st April, 1923.

(d) When the offices of the Governing Body of the Association and of the Scientific Advisory Board were amalgamated in 1923 and placed under the Public Health Commissioner with the Government of India, the clerical work of the combined office was performed by the clerk employed in the office of the Scientific Advisory Board. As the work had become much more important and onerous than before on account of the amalgamation of the two offices, the post was converted into one of an Assistant in the grade of Rs. 120—8—160—10—350 per mensem.

(e) No. The grant was only partly restored with effect from 1925-26 and was fixed at Rs. 7,50,000 per annum only with effect from 1st April, 1928.

(f) It was represented that the work entrusted to the incumbent of the post was onerous and responsible and that its quantity and quality

compared favourably with that on which First Grade Assistants in the Office of the Director General, Indian Medical Service, would ordinarily be employed. The appointment was therefore converted into that of a first grade Assistant on Rs. 200—12—440, with effect from the 15th September, 1928.

#### RETRENCHMENT OF GRANT AND STAFF OF THE INDIAN RESEARCH FUND ASSOCIATION.

1083. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that the Government of India contemplate cutting down the grant of 5 lakhs to the Indian Research Fund Association to Rs. 2½ lakhs annually ?

(b) If so, will Government please state whether they are also going to reduce the strength of the administrative staff ?

(c) Will Government please also say if they contemplate cutting down the scales of pay ? If not, why not ? Is it a fact that service under the Association is of a temporary nature ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a) The question of reducing the grant to the Indian Research Fund Association is at present under the consideration of Government.

(b) and (c). It is for the Association to decide the strength of the administrative staff under it and the scales of pay to be given. Government understand that service under the Association is of a temporary nature.

#### STAFF OF THE INDIAN RESEARCH FUND ASSOCIATION.

1084. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that there are now five clerks employed to carry on the work of the Research Fund Association in the central office while there used to be only one clerk in the years prior to the year 1925 ? If so, will Government please state what new necessity has arisen for this increase ?

(b) Are Government aware that all appointments to these five posts were made only in April last ? If so, will Government please say why in the interests of economy the new scales of pay which Government contemplate sanctioning for new entrants in future were not made applicable to these posts ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a) As regards the first part of the question, Government understand that the Honourable Member's information is correct.

As regards the last part and part (b) of the question, the Honourable Member is referred to the reply already given to (b) and (c) of his question No. 1083.

#### APPOINTMENTS IN THE OFFICE OF THE INDIAN RESEARCH FUND ASSOCIATION.

1085. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Is it a fact that the office of the Indian Research Fund Association is an entity quite apart from the office of the Director General, Indian Medical Service ?

(b) Is it a fact that a probationary period of six months is necessary before confirming a person transferred to another department or office ?

(c) Is it a fact that the first and the second assistants in the office of the Indian Research Fund Association, who were selected from the office of the Director General, Indian Medical Service, were confirmed without a probationary period of six months? If so, will Government state the reasons which dictated this departure?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) Yes  
(b) No.

(c) As regards the first part of the question, Government understand that the Honourable Member's information is correct. As regards the last part of the question, the reply given to (b) and (c) of his question No. 1083 meets it.

**OVERWORKED RAILWAY STAFF AT BHATNI STATION ON THE BENGAL AND NORTH WESTERN RAILWAY.**

**1086. \*Bhai Parma Nand :** (a) Has the attention of Government been drawn to the following remarks of a first class Magistrate, at Gorakhpur, who tried the accused, under sections 101 Railways Act and 304-A, I. P. C., in the train collision which took place at Bhatni Station on the Bengal and North-Western Railway on the night of 24th November, 1928, in his judgment announced on the 5th March, 1929?

“ Before I finish I would like to give advice to the Railway authorities on one or two points. The evidence shows that the subordinate staff of Bhatni has to work 12 hours a day, but at the end of the week they are required to work for all 24 hours. This is not proper and no one should be made to work the whole day and night without a break.—“ Certain points at Bhatni have no indicators. These should be provided without further delay.”

(b) If so, will Government please state :

- (i) whether steps have been taken by the railway authorities to discontinue the practice of making the staff work all 24 hours ;
- (ii) whether indicators have been provided to the points at Bhatni ;
- (iii) whether Government and the railway authorities propose to consider the advice to be generally followed at all stations ;
- (iv) whether points at stations between Darbhanga and Narkatiaganj on this railway are not fitted with indicators ;
- (v) whether the President of the Bengal and North Western Railwaymen's Association suggested to the Agent of the Railway that the points at those stations should be fitted with indicators and the Agent replied to the effect that he was unaware of any hardship felt, but would inquire ; and

(vi) if so, what has been the result of his inquiry ?

(c) How many points on this Railway are not fitted with indicators ?

(d) How many of such points are on the open line, over which trains carrying passengers run ?

**Mr. A. A. L. Parsons :** (a) The Honourable Member's question is the first intimation Government have had of the Magistrate's remarks, and I should like to thank him for bringing them to our notice.

(b), (c) and (d). I am calling for certain information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member when it is received.

#### PRIVILEGES OF EMPLOYEES OF BENGAL AND NORTH WESTERN RAILWAY WORKSHOPS.

1087. \***Bhai Parma Nand :** (a) With reference to the reply given to unstarred question No. 324, part (d), on the 20th March, 1931, will Government be pleased to state whether the Agent, Bengal and North Western Railway, has been asked to consider the question of extending to the employees in the workshops of that Railway the privileges recently extended to the employees of the State Railway workshops ?

(b) If so, has the said question been considered by the Agent and what privileges have been extended to his Railway workshop employees and which of them have not been extended ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) I have called for the information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member on its receipt.

#### INTERPRETATION OF A RAILWAY PROVIDENT FUND AND GRATUITY RULE.

1088. \***Bhai Parma Nand :** (a) Will Government be pleased to state whether the Agent, Bengal and North Western Railway, was authorised by the Railway Board to explain to the Secretary of the Bengal and North-Western Railwaymen's Association, the phrase, "proper authority" that occurred in the Standing Order No. 4, published over the signature of the Board's Secretary, to the then provident fund and gratuity rules ?

(b) If not, what authority did he hold to explain it and why was the Secretary of the said Association asked by the Railway Board, when he applied for interpretation of the said phrase, to refer the question to the Agent of that Railway ?

**Mr. A. A. L. Parsons :** I am unable to understand the Honourable Member's question as the words "proper authority" do not appear in Standing Order No. 4 to the State Railway Provident Fund Rules. Nor have I been able to trace any correspondence with either the Agent of the Bengal and North Western Railway, or the Association mentioned by the Honourable Member on the subject.

#### PAY OF INDIAN GUARDS ON THE NORTH WESTERN RAILWAY.

1089. \***Bhai Parma Nand :** (a) What is the maximum scale of a guard's pay on the Bengal and North Western Railway ?

(b) How many of the guards get the maximum pay ?

(c) Is it a fact that none of the Indian guards on that railway get the maximum pay ? If so, why not ?

(d) What is the maximum pay which the Indian guards get there ?

(e) What is the number of Indian guards on that Railway ?

**Mr. A. A. L. Parsons :** I have called for information from the Agent, Bengal and North Western Railway and will communicate with the Honourable Member on its receipt.

#### EXAMINATION FOR LOWER PAID STAFF OF RAILWAYS.

1090. \***Bhai Parma Nand :** (a) Will Government be pleased to state whether the examination of the lower paid establishment of the railways has been finished ?

(b) (i) If so, with what result ?

(ii) If not, when is the examination likely to be finished ? And why is it taking so long ?

**Mr. A. A. L. Parsons :** (a) and (b). The examination of the wages of the lower paid employees of State-managed Railways and of some of the Company-managed Railways has been made and as a result the scale of wages has been improved on the following railways :

Eastern Bengal Railway.

East Indian Railway.

Great Indian Peninsula Railway.

Assam Bengal Railway.

Madras and Southern Mahratta Railway.

#### PROVISION OF A POST OFFICE NEAR THE TATANAGAR FOUNDRY.

1091. \***Bhai Parma Nand :** (a) Have Government received any communication from the General Manager of the Tatanagar Foundry Works addressed to the Postmaster General of Bihar and Orissa for the establishment of a post office near the Foundry works ?

(b) If so, will Government be pleased to state what action, if any, has been taken in the matter ?

**Sir Hubert Sams :** (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General, to whom a copy of the question is being sent.

#### STATEMENT LAID ON THE TABLE.

##### RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

**Mr. E. B. Howell** (Foreign Secretary) : As promised in my reply to a supplementary question, I lay on the table the answer to starred



questions Nos. 526 and 527 asked by Mr. C. S. Ranga Iyer on the 17th September, 1931, regarding riots in the North-West Frontier Province.

526. (a) One only, *viz.*, Dera Ismail Khan in 1931.

(b) Kulachi on the 15th August, 1931.

(c) Government will await the report of the Commission of Inquiry.

527. (a) Five Hindus and two Muhammadans were killed in Dera Ismail Khan, and one Hindu and one Muhammadan in Kulachi. As regards the damage done to Hindu property, Government have as yet no reliable information.

(b) Muslims	..	..	..	..	..	55 per cent.
Hindus	..	..	..	..	..	42 per cent.
Sikhs	..	..	..	..	..	1½ per cent.
Miscellaneous	..	..	..	..	..	1½ per cent.

(c) This is under the consideration of Government.

(d) A subscription list has been opened and Rs. 10,000 promised, of which Rs. 2,000 has been paid by the Chief Commissioner and Rs. 500 by the Deputy Commissioner. As regards the balance, Sub-Committees of Hindus and Muhammadans have been constituted to collect the subscriptions but no sums are yet forthcoming. No application for relief has been received by the Deputy Commissioner except for the grant of a Government loan which has not been sanctioned. It is understood that a number of wealthy Hindu gentlemen have of their own initiative contributed towards the relief of the sufferers.

(e) Two special magistrates have been appointed to try cases arising out of the riots at Dera Ismail Khan.

343 Muslims have been arrested of whom seven have been discharged, and three sentenced to one year's rigorous imprisonment each. The cases of the others are under trial.

### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

" I am directed to state that the Council of State has at its meeting held on the 28th September, 1931, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 21st September, 1931, namely :

1. A Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise, and
2. A Bill to provide for the protection of the heavy chemical industry."

### OBJECTION TO INTRODUCTION OF A SECOND FINANCE BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I should like to make a short statement with reference to the last item in today's Agenda. Honourable Members will remember that only three days back they passed a Resolution moved by my Honourable friend Mr. Chetty, the last clause of which runs as follows :

" With reference to the announcement made by the Honourable Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to Honourable Members, and that no proposal for taxation must be made in the present session."

I find that in spite of the striking majority by which this Resolution was passed, the Honourable the Finance Member has announced his intention of introducing a new Finance Bill at five this afternoon. I wish to point out that the proposal to saddle this country with additional

taxation at this juncture is in our opinion both premature and inopportune. We think that, before Government embark on the proposal of fresh taxation, they should take this House into their confidence regarding the effect of their retrenchment proposals and the extent of the economies thereby expected or probable. Further, the Government have only the other day given effect to their new currency policy. The effect of its impact on the trade and finances of the country has yet to be seen. In England, which is faced with a similar situation, the Government laid their cards on the table and informed the people what retrenchments they had effected or were possible. It is only then that they demanded fresh taxation. That policy should have been followed here. It has not been followed, and we therefore enter our emphatic protest against the hasty, and we think panicky, measure based on no assured data. In this connection we are not forgetful of the fact that the Government have been saddling the country with additional taxes during the last two years, and which in the year of unprecedented depression admit of no expansion.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I support the suggestion that has been made by my Honourable friend Sir Hari Singh Gour. It seems to me, almost inconceivable that after the Resolution that was passed only the other day by a very decisive majority, Government should introduce a Finance Bill at this session. I am of course perfectly aware that the Government of India have hardly any policy of their own. It is the Secretary of State who presides at Whitehall that dictates the policy of the Government of India, and the Assembly would like to know whether the Finance Bill, which the Honourable Member wishes to introduce at this session, has not also been dictated by the Secretary of State. Sir, this Assembly gave their fullest co-operation to the Government in introducing sufficient retrenchment in order to enable the Government to balance their Budget. We have only been partially able to go through our task, and as a member of one of the Retrenchment Committees,—not an unimportant one—I am in a position to state that a good deal more money can be found by means of retrenchment, than has yet been done. We are specially anxious that the Army Budget should be reduced properly, and if that is done there will be no difficulty for the Finance Member to balance his Budget. Sir, I cannot understand why there is this hurry. There is also, as has been pointed out, the question of the currency policy of Government. What the effect of linking the rupee to sterling—not gold but the paper sterling of England—at this juncture will be, we do not know yet. Surely Government ought to wait and see what effect this policy has. Government expect that linking the rupee to sterling is going to benefit India. If that is so, why cannot we wait and see to what extent India benefits ? I submit, Sir, there is no justification for the Government to introduce any new taxation at this session.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I will only ask your permission to say a very few words. It seems to me that the procedure is perhaps a little curious. I have apparently listened to two speeches which are replies to the speech which I am myself going to make this afternoon. But, Sir, I should like to say this that I am glad my Honourable friend has made this statement, because it gives me an opportunity of saying now that I do sympathise very much with a great deal that he has said. I think he will find when he listens to the statement which I will make this afternoon and which is already in the

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Press,—so that my Honourable friend will believe that I have not cooked it in order to meet his remarks—I think he will find when he listens to that statement, that I have dealt with a great many of the points which he has raised ; and I hope I shall be able to convince the House that in spite of the objections which my Honourable friends have raised, objections which I myself feel very strongly, it was our duty to take the course that we are taking now. I should like particularly to mention the question of retrenchment. I had certainly never intended to stand up in this House and bring forward proposals for taxation until I had been able to satisfy the House that we have done everything possible in the way of retrenchment. I hope that when I make my speech this afternoon, I will be able to satisfy every Member in every quarter of the House that as far as that aspect of the matter is concerned, we on this side think exactly the same as Honourable Members opposite.

### THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands) : Sir, I move :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, be taken into consideration.”

Honourable Members will remember that this Bill was introduced by me early this session. They probably would like to know a little bit of the history of this legislation. The Act which this amending Bill seeks to amend was passed in 1904 and so far as I can see there was no Act on the subject which preceded that legislation. So it may be said that Indian legislation on the subject began with the beginning of this century. Honourable Members will remember that this was one of the things for which India can rightly be grateful to Lord Curzon. (Hear, near.) He not only founded the Department of Archæology so to speak and thus raised India to a position of importance and eminence in the archæological world of modern times, but he was peculiarly lucky in selecting the Director of Archæology in the person of Sir (then Mr.) John Marshall who not only created and developed this Department, but who attained to very considerable eminence in the archæological world of today. He not only founded the Indian school of Archæology, administered the Department, and took pains to preserve ancient monuments, but laid up programmes of survey, exploration and excavation. Thanks to his efforts and the efforts of his colleagues, India today, as I have said before, occupies an honourable position in the archæological world. The good work done by Sir John Marshall was not limited to doing his duty in this way but he proceeded further and imbued his Indian colleagues with the same spirit of self-sacrifice and enterprise and interest in this subject, which has enabled the Government of India recently to appoint the first Indian Director of Archæology in the person of R. B. Daya Ram. In the beginning we were not really willing to, or at all events did not, spare much of our money to be devoted to archæology and it was only recently that we were able to spare something like 5 lakhs a year for work connected with exploration, excavation and so

on. It has been felt for a long time that the archæology of India went back to what as school boys we understood as, the period of our ancestors the Aryans coming into India. But the latest excavations indicate that it goes much further back and that what was at one time considered as prehistoric about a thousand years B. C., in the light of these excavations appears to be more or less recent. The excavations at Harappa and Mahen-jo-daro are able to take us as far back as 4,000 or 5,000 B. C. and it is very doubtful whether many of us, indigenous Indians, as we call ourselves, can claim to be the direct descendants of the civilised people of 4,000 or 5,000 B. C. However, that is by the way. Now we have fallen on more or less poverty-stricken days. The Members know full well that there is but one word which at once enlists the sympathies of the whole House on both sides, and that one word is not archæology but retrenchment, with the result that excavation, exploration and survey have been definitely stopped and for several months past, as a matter of fact during this year, fresh recruitment is at a standstill. Many posts have been held in abeyance and I have practically made up my mind to act in accordance with the recommendations of the General Purposes Committee relating to this subject. That means that for the next two or three years, let us hope—and may be for many more years to come—we will not be able to spare any money for the work of exploration and excavation and will be able to maintain the existing ancient monuments to a less degree than we have been doing in the past. For the last five years and more there has been a proposal under consideration whether it is wise for us not to have a provision which would enable us to enlist the co-operation of scientific bodies, Indian as well as non-Indian, in this work of scientific excavation, and if so how we ought to proceed about it. There have been the usual objections, “it is our duty, why put it on to others?” Well, Sir, the field of this duty, the scope of this duty, is so vast that I am assured that in regard to such areas as have been surveyed up till now, if an attempt were made to explore them and funds of not less than 5 lakhs were invested every year in that additional work and we were hard at it for a hundred years, we would not be able to do more than 1 or 2 per cent. of the surveyed area that exists. Considering all these matters, and after consulting the Local Governments, I came to the conclusion that we ought to be imbued with the spirit of scientific brotherhood in the matter of ancient monuments or archæology, because archæology after all can be recent and ancient. The question is whether if co-operation from foreign scientists can be forthcoming, it is not wise to welcome it—no doubt on certain terms. The terms we had in mind were firstly that if excavation led to the discovery of a monument which was a fixture, naturally that must remain in India. Again if we came upon a monument of national importance and it was only one of the kind, naturally we could not let it go out of India. But in cases where there were detachable monuments and more than one of them, whether it was not right that those who come and spend their talent, their money and their energy in helping us to explore these vast areas, should not be given a part of the finds and whether we should not divide the whole finds between the central museum, the provincial museums and the man who comes and invests his knowledge, energy and money in the undertaking.

This in brief is the scheme of enlisting the co-operation of outsiders, non-Indians, in this venture. Why are we anxious to do so? There are two dangers which make it necessary to do something of the sort. The

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first is that in Sind where the Sukkur Barrage scheme is bound to do a great deal of good to the people, in passing it does a little harm too, because it raises the sub-soil level of water in the areas through which canals and sub-canals pass, with the result that these areas wherein ancient monuments may be existing are spoiled and the whole thing is wasted and ruined and the chances of excavating successfully are very much reduced. Then there are instances where the people who are on the spot have no eye for art and no care for archæology ; they have been known to unearth these ancient cities and excavate them for a very petty gain, unearthing bricks and selling them, with the result that in Harappa many a city which we could have excavated more or less in the condition in which it was four thousand or three thousand years B. C., we cannot piece together now.

These are the two reasons which necessitate our controlling excavation and securing the cooperation of other people in excavation work.

There is one thing more and that is we ought to control the work of excavation. At present it can be done by anybody, and when the people do not know how to do it safely, that is to say, without doing harm to the monuments, they do it badly and spoil them ; and then they are their own masters and they can sell them, export them, and do anything they like with them. There is a provision which enables us to declare a site as a protected area. It has to be acquired by Government no doubt ; but the monument is safe. I consider this control of excavation most essential in the interests of the future of archæology in India. I am not anxious that this Bill should be taken into consideration today, if there is any desire whatsoever on the part of any section of the House, even if it is a small one, that it ought to be first considered in Select Committee. There is no urgency about it ; it can wait for a few weeks, or even for a few months for the matter of that. But you have to decide what you want to do. I notice that there are two motions tabled, one for referring it to Select Committee and another for circulating it for expression of public opinion. As I have said, there is no question of importance or prestige about it. Do you really think that a large number of the public are very keenly interested in the two matters that I have mentioned ?

**An Honourable Member :** They ought to be.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** They ought to be, I quite agree. But I look round in the galleries and it does not encourage me very much to hope that they are....

**Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) :** Why, look at the empty benches !

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** There you are ; I see a very strongly representative body of Members in front of me, and therefore on the whole my own view is that the requirements of the case will be fully met if we had a good strong Select Committee on the subject. Moreover, circulation has a certain mark of inferiority about it—that you try to circulate what you do not want—and I trust that that is not really the feeling of any part of this House.....

**Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) :** May I know one thing ? What according to the Honourable Member is the principle of this Bill ? If a motion for Select Com-

mittee is accepted, we will be accepting the principle of the Bill, and what according to him is the principle involved in this ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** There are two principles : one is control of excavation to the extent of declaring an area to be protected, so that after that declaration non-scientific people or people who do not obtain permission of the proper authorities may not spoil it. That is the main principle. The second is whether it is not wise to have the co-operation of bodies other than Government, whether scientific bodies in India or outside, in order to help Government in the work of exploration. Whether that co-operation should be limited to Indians or should be extended to non-Indians is again a matter in which the Select Committee will have absolute discretion. If you apprehend that when you have referred the matter to Select Committee, I as Chairman will say, "This is all finished ; the foreigner has come in", I assure you that I have no such intention in the matter, and it would not be right. After all, neither I nor my Director General of Archaeology are outsiders. Therefore if what I have submitted meets with the approval of the House, I assure you that I have no desire to rush the Bill in any way and I leave the matter in your hands.

**Rai Sahib Harbilas Sarda :** Sir, I rise to move that this Bill, this very unwelcome Bill be circulated for eliciting public opinion thereon. It was with feelings of deep sorrow and pain that I read some of the provisions of this Bill, and it is with an oppressed heart and a feeling of helplessness that I rise to move my motion. The matter of the Bill is not only of the greatest, but is of vital importance to those who have the pride of their country in them, or who have even the slightest idea of their duty to the dead and to the living in this country. This Bill is not an honest attempt on the part of those who have instigated this measure, to compass their object. It is hitting below the belt. The Bill is so cleverly, so skillfully, so unfairly drafted as to conceal its real, sinister object behind a number of superfluities and details, behind a hypocritical show of solicitude for the preservation of the ancient monuments of India. The Bill is styled The Ancient Monuments Preservation (Amendment) Bill. Verily, its object is nothing more and nothing less than to amend, to alter, to modify, in fact partly to do away with the provisions for preservation of things, that exist in the Ancient Monuments Preservation Act of 1904. The shade of Lord Curzon must be watching with sadness and sorrow the blasting of some of his dearest hopes, the destruction of the work, of which he was justly proud, and with the distinction of the initiation of which, his memory will in this country be associated for all time to come. And what is sadder still is that this should be planned by men among whom, if my information is correct, is to be found one, whom he selected to assist him in carrying out his laudable work, and who, he fondly hoped, would watch its progress with anxious care after he was gone.

Sir, the object of this measure is, to put it plainly, to legalise the removal from India of its most cherished possessions, its most sacred objects,—some of the remains of its ancient greatness,—its choicest treasures which nothing in the world can buy, which no price can secure. And the hypocrisy of it all is that this is sought to be accomplished in the name of preservation of India's sacred trust, in

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the name of scientific research, in the name of helping civilization. Sir, what great wrong has been done to any country, to any people but the perpetrators of it started to do it after trumpeting forth their earnest desire but to help their victims or to advance the cause of civilization and culture.

And, Sir, would you regard it as a piece of honest, fair work to smuggle this Bill into the Statute-book towards the fag end of a short session without consulting public opinion, without letting those, whom it deeply touches, have a chance of saying what they think of this sinister measure, and when half the elected Members of the House have gone home, and the minds of those who still remain in the House are occupied by urgent matters of grave financial and economic importance to the country ?

Sir, the ancient monuments of India and the antiquities that lie buried underground in his country are, so far as antiquarian matters are concerned, the only things left in the country of which Indians feel proud and which they are anxious to preserve against the inroads of the outsiders. Most of the rare and priceless antiquities, invaluable works of art, sculptures, paintings, manuscripts, precious stones that could be removed have already been taken away to England and other countries of Europe and America. Nearly all that could be removed has been removed out of India and there is little doubt that if it had been possible for European science and engineering skill to remove the Ajanta and the Ellora caves, the Taj, the Qutab Minar and the Adhaidin ka Jhonpra, the Sanchi Stupas and such other things, they should by this time have been found adorning London and other towns in Europe. Not satisfied with robbing India of all products of genius and works of art found on the surface, it is now sought to remove out of this country what lies buried underground. The Government of India, unsympathetic as they are—unsympathetic inasmuch as they did not care two straws for the ancient glory of the country and are utterly indifferent to its high cultural traditions,—are willing to stand by and see the country denuded of all those rare things that human genius could devise, invent or produce in this country, and are willing to allow all and sundry of the exploiters of Europe and America to excavate and take away its heirlooms and the remains of its ancient greatness—treasures which are either the products of the highest efforts of human genius or are, what is a matter of the gravest consequence, the remains of our great ancestors who have, and will continue to shed lustre on the name of our sacred Motherland as long as history endures, and whose memory we revere and whose lives are a perennial source of inspiration to us in our lives.

Sir, to have allowed our antiquities to be taken out of the country is the greatest injury that the Government of India have done to India. Sir, the things that have been and are sought to be taken out of India roughly fall into four classes.....

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : How are you going to stop it ?

**Rai Sahib Harbilas Sarda** : (1) Sacred objects, such as the remains of founders of great religions, or other great men, whom large classes

of people worship or hold in religious reverence and respect. (2) Works of art such as sculptures, antiquities, paintings, frescoes, illuminated manuscripts, bequeathing to posterity results of centuries of work and labour, of thought—the achievements, intellectual and spiritual, of the pioneers of civilization, in science, literature, philosophy and art, that illumine the pages of history and constitute a most brilliant chapter in the annals of mankind. (3) Records of facts and events necessary and essential to a proper understanding and elucidation, not only of the history of India, political, social, religious and economic, but of the evolution of art itself in its multifarious branches, and the reconstruction of that history by proper research and piecing together of the results of such research in the various branches of human effort; for instance, coins, stone and copper plate inscriptions, sculptures, arch stones to show that true arches were known in ancient India, historic manuscripts found buried in mounds; and, fourthly, rare products of nature such as the wonderful *Kohi Nur*, the *Pitt*, the *Regent*, the first two being the greatest and the most glorious diamonds of the world, associated with the history of India in its various stages and the glorious deeds of the great men it has produced.

Sir, I am at present concerned only with objects which may come to light on excavations under a licence and are liable to be removed out of country. These objects all fall under the four classes enumerated above. In the first class are sacred objects. And I will give here two instances of the outrage,—a great outrage—that the Government committed against the people of this country.....

**Mr. K. Ahmed :** That is not outrage.

**Rai Sahib Harbilas Sarda :** A few years ago a stupa at Shahji ki Dheri, near Peshawar, built by Emperor Kanishka in the second century, was excavated and the remains deposited there with the greatest reverence and religious veneration by leading Indians of that time, of one who is worshipped and venerated by more than a third of the human race at the present time, one who has shed ever-lasting lustre on this great and ancient land, one who has ennobled the lives and has been the solace of millions of human beings in the last 24 centuries, one of the noblest of men, the Great Sakyamuni of Kapilavastu, the Buddha, were removed from its sacred place of rest and sent out of India to Burma which is on the eve of becoming a foreign country to us.....

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I have not followed what the Honourable Member said.

**Rai Sahib Harbilas Sarda :** The remains of one of the noblest of men, the Great Sakyamuni of Kapilavastu, the Buddha, were removed from its sacred place of rest and sent out of India to Burma which is soon to become a foreign country to us.....

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** No, no.

**Rai Sahib Harbilas Sarda :** In 1916, some of the relics,—remains of Buddha or other religious and holy men of India,—found in stupas at the Dharmrajika Stupa at Takshshila, modern Taxila, were given away to Buddhists of Ceylon, a foreign country, and removed out of India. Sending them to Burma or Ceylon, where Buddhism prevails is no



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palliation of the crime committed against India. Sir, these sacred remains are the property, not of the Government of India for the time being, not even the exclusive property of the present people of India, but also of the generations of Indians yet to come.

Sir, Buddha occupies a permanent and the highest place in Hinduism. He is held to be the tenth Avatar or Incarnation of the Deity, just like Sri Ram or Sri Krishna. What country in the world except India has the right to keep in its sacred and reverential possession, the remains of the Enlightened, the Great Buddadeva, who was born in India, who lived all his life in India, and who died in India, and whose parents and ancestors all lived and died in India? Buddha was a product of India, son of Mother India in body and soul, the pride of India, and the crown of its glory. The glory of having given birth to Buddha and the privilege and honour of returning his mortal remains to the Mother Earth in this country belong to India; and it is the pride and privilege, the honour, and the duty of the sons and daughters of India to guard those remains for all time to come.

To exhume his remains from their sacred resting place and send them out of India is, I say in extreme humiliation and sorrow, the greatest outrage against our feelings of religious reverence and veneration—a sacrilege which an Indian and a true Hindu can never forgive or forget. Sir, Government have by these acts subjected an ancient people, which is living under its protection, to unspeakable humiliation and shame. I apologise for using strong language, but the occasion demands it, and we have felt this sacrilegious act as strongly as our weak, humiliated nature is capable of feeling.

And I say, Sir, that I would look with horror upon any attempt to exhume the remains of any Muslim saint in India. All Indians, whatever their faith and religion, whatever their culture, must and do look upon the remains of Muslim saints and Muslim great men that lie buried under mounds and ruins as sacred objects to be guarded and kept undisturbed by foreigners. I would condemn and resist all attempts to remove out of India to any country those sacred remains. It is the duty of all Indians to hold them as a sacred trust, and we regard it our duty to prevent their removal from India.

Sir, has any country, I ask, but Arabia the right to keep the sacred remains of the last of the Prophets? Has any country but England the right to keep the remains of the greatest of Englishmen, who though not held in sacerdotal or religious reverence, yet is the glory of England—the divine poet, Shakespeare? Would England or any other power dare think of removing the sacred christian remains from Jerusalem—because Jerusalem is now a non-Christian country—to Europe which is peopled by Christians? It has been said and believed generally that Government have dared to remove the sacred remains of Buddha from India and to deprive the country of its most cherished possession held sacred by its teeming millions, because Government can treat with contempt the weakness and the helplessness of a disorganised, disunited and a degenerate race. Sir, I do not hold this view. My belief is that Government, when they removed those sacred remains, were ignorant of the feelings and sentiments of the people of India, and did not view the matter in the light in which they should

have viewed it and are now sure to view it after the present discussion.

As regards Indian antiquities and works of art, Europe is full of them. All provinces of India have been ransacked, every nook and corner of it has been searched and antiquities and works of art that lay buried in various parts of the country or lay on its surface, metalware, sculptures, stone and copper plates, paintings, old jewellery and old pottery prehistoric or post-historic, have been taken away and the museums of England, France, Germany.....

**Mr. K. Ahmed :** On a point of order, Sir. Has this essay been composed by somebody at home, probably for some other occasion, any application to the motion now before the House ? The motion before the House is that the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, be taken into consideration. My Honourable friend is giving a history of the ruins of ancient time.

**Mr. President :** Is it the Honourable Member's point of order that the speech which Mr. Harbilas Sarda is delivering is in order or not ?

**Mr. K. Ahmed :** Yes, Sir.

**Mr. President :** The Honourable Member is quite in order.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of order, Sir. The Honourable Member who just raised a point of order began by saying " This essay composed by somebody at home ". It contains an insinuation that the speech was not written by my Honourable friend Mr. Harbilas himself who is a great scholar, and I want you to ask him to withdraw that remark.

**Mr. K. Ahmed :** What I said was this, that the manuscript which my friend from Ajmer was reading was probably written for some other occasion has no application on the motion before the House. My Honourable friend did not catch what I said, and I always find that my Honourable friend Mr. Ranga Iyer catches hold of the wrong end of the stick, because I know that my Honourable friend is not always in equilibrium of the mind.....

**Mr. President.**—Will the Honourable Member state what he did say ?

**Mr. K. Ahmed :** What I said was that it was probably a composition prepared for some other occasion and not applicable to the motion before the House. (Laughter.)

**Rai Sahib Harbilas Sarda :** I hope this House will be saved from the extravagances and frivolities of people like my Honourable friend.

**Mr. President :** Please go on.

**Rai Sahib Harbilas Sarda :** .....and the museums of England, France, Germany, Denmark, Holland, Austria and America, full of them, stand mocking at our helplessness and powerlessness to protect our cherished possessions. The country has been denuded of its old manuscripts, invaluable for a proper writing of the history of India, and tracing the evolution of its social polity or its economic annals. I will

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give two instances to illustrate the loss suffered by India in this direction. Kautilya's *Artha Sastra*, the standard work on Government and Economics in Sanskrit, unique of its kind, dealing with complicated problems of overseas and inland trade, international law and finance, was till recently a mere name. Several manuscripts of it were taken away to Europe but none was published. By a mere accident a copy of it fell into the hands of Pandit Shyam Sastri of Mysore and he published it. It then became known that there were several copies of the book in Europe.

Sir, when I was writing a history of Ajmer, my native city, in 1911 A. D., I could not find any book containing an account of Sher Shah's capture of Ajmer, the only book containing such an account was not to be found anywhere. I went to Calcutta and searched the Imperial Library, and the Library of the Asiatic Society of Bengal ; I went to the famous Khuda Bux Library of Bankipur ; I examined the Library of the Bombay Branch of the Royal Asiatic Society, and I wrote to Lucknow and Hyderabad, but all to no purpose. After a deal of enquiry, I learnt that only one copy of the *Tarikhi Daudi* was known to exist, and that was in the British Museum in London. Through the kind offices of Dr. Codrington, Mr. Edwards of the British Museum kindly had two pages of the work describing Sher Shah's visit to Ajmer photographed and sent to me and I was then able to complete the account I wished to give.

Then again, Sir, when I wrote my monograph on Maharana Kumbha, one of the greatest of the Maharanas of Chitor, I could find no old portrait or painting of him. Eventually I was able to trace an old portrait of him in the India Office Library in London, and I obtained a photographic copy of it.

Sir, this shows to what difficulties and troubles students of history, literature and art in India are put by the removal of antiquities and manuscripts from this country. This exportation of priceless treasures and heirlooms, which neither love nor money can produce or get, has been going on for a century and a half, and this Bill is going to help it further. Colonel Tod, the great historian of Rajputana, took away 800 boxes full of antiquities, sculptures, coins, manuscripts, inscriptions, some of which have not yet been wholly deciphered and identified and the results published. Twenty thousand Sanskrit manuscripts were sent away from Nepal to Oxford only a decade ago, and who knows what invaluable and now unobtainable works have thus gone out of the country. Students of archæology know that Sir W. Jones, Colonel Mackenzie, Taylor, Fleet. Ballantyne and others took away large collections of Sanskrit mss. and antiquities which are kept in the India Office Library, London. The Bodleian Library of Oxford, the Indian Institute of Oxford, the Trinity College Library of Cambridge, the Edinburgh University Library possess large collections of Sanskrit, Arabic and Persian mss. taken away from India. The library of the Royal Asiatic Society of Great Britain and Ireland contains thousands of such mss. and antiquities. Professor Buhler's large collection of Sanskrit mss. has found its way to Vienna and Hermann Jacobi's to Berlin. Germany is full of ancient Indian mss. and antiquities and works of art. The

libraries of Berlin, Tubingen, stuttgart, Bonn, Strasburgh, Gottingen, Wurzburg and Leipzig are full of them.

Sir, rather than allow any antiquities and finds to be taken out of India, the problem before Indians at present is how to get back all those antiquities, sculptures, mss., and works of art which have been taken away from India. Sir, when accounts are settled between England and India, whether an apportionment of the public debt of India is made between the two countries or not, I do hope and trust that India would insist on England returning all these treasures which are now kept in its various museums and libraries and which are the great heirlooms of the people of India.

It has been said in Palestine and Egypt, licences for exploration and excavations have been given to foreigners and that in the interests of research, the same may be allowed in India. Egypt is not quite independent, and foreigners have a controlling voice in its administration. But even in Egypt the licence to make excavations at Luxor in favour of Mr. Howard Carter was cancelled in 24 hours when it was suspected that Egyptian antiquities were being removed from Egypt. Is the Government of India at present in the hands of Indians to enable them to take the same action should an eventuality of a like character arise here? I would further say in reply that I should like to see foreigners secure such licences in England, France, Germany or America. Where a country is under foreign rule and is helpless, and has no controlling voice in its administration, this exploitation and legalised robbery has been permitted or tolerated. But, Sir, we have enough shame left in us to refuse to consent to and become parties to this robbery being legalized. I am told that exploiters from America are anxious to obtain licences to rob India of her treasures; that Dr. Stein and Sir John Marshall and others are anxious that licences should be given to foreigners. They have the support of foreign financiers and they wish to undertake this exploitation and carry away from our country our antiquities and sacred objects, which no nation with any self-respect or a sense of honour, or a sense of duty to the country and to its future generations would allow or tolerate.

It has been suggested that these finds would be better looked after in Europe and America and made good use of there. Sir, I would undertake to look after the valuable possessions of some of the protagonists of this doctrine. Would they give them to me? Why cannot the foreigners, if they are only honest and genuine students of archaeology and are inspired only with a genuine love of research, excavate the mounds, but let the relics of India's glorious past, remain in India in her museums and libraries? Indians are more deeply and directly interested in them than any foreigners, however well intentioned.

Sir, if some of the material remains unutilised for the present, let it remain so. We will make use of it in good time, but let us not be deprived of its possession. It has also been argued that if there are duplicates of a thing, if there are two images of a deity or two coins, why should one of them be not allowed to be taken away. This argument is the argument of a robber against his victim, of the strong against the weak, and reminds us of the fable of the wolf and

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the lamb which we have all read in our childhood. Will England or America listen to an argument like this, and on the strength of it part with its priceless treasures. Is there not enough room in the far-flung provinces of this vast country for duplicates or triplicates to be kept? And are there real exact duplicates of any antiquity, except coins?

Sir, as the matter of this measure is by no means a matter of urgency, as no question of law and order and peace of the country is involved, as this is not a question of administrative stability, no harm will come to the matter if the Bill is taken up in January after circulation to the country. The rainy season has gone and no existing excavations will be affected and those not yet excavated will in no way be affected. I therefore request Government to allow this Bill to be circulated for eliciting public opinion, and not to smuggle it into the Statute-book. Government will be in a better position to judge of the consequences of the measure when they are in possession of the considered views of those whom it affects deeply and intimately.

I wish to make it clear that I am in no way against any excavation made in a proper and scientific manner. I will allow, even welcome, foreigners imbued with a desire to know things—not exploiters and wolves in the shape of lambs,—to come and help us in research work and make full use as freely as we ourselves can do, of all finds. But I oppose, with all the strength there is in me, the removal out of India of any of the finds whatsoever. My only object in making this motion is to enable public opinion to express itself on the question of giving licences to foreigners and the terms on which such licences may be given. Absolutely nothing is lost by giving the public an opportunity to express its view, and taking the Bill into consideration after three or four months instead of at once. I would therefore earnestly appeal to the Honourable Member in charge of the Bill to give the public in India a fair opportunity to consider the provisions and the implications of this measure.

**Mr. J. C. French** (Bengal : Nominated Official) : My ground for intervening in this debate is that for many years, apart from the duties of my profession, my principal interest and study has been Indian art, and in this country art and archaeology are very closely allied. As the Honourable Mr. Gaya Prasad Singh elicited in his question to the Honourable Member in charge of the Bill, this Bill has got two principles. The first is the scientific control of excavation and the second, whether the aid of private societies, both Indian and foreign, is to be enlisted to assist in the work of excavation.

Now, Mr. President, I venture to say that, as regards the first principle, we are all unanimous that excavations should be under proper control. It is the second point that is in dispute, whether the aid of private societies, and particularly private foreign societies, should be enlisted to help in the excavation of Indians hidden archaeological works. When I heard the speech of Rai Sahib Harbilas Sarda, I quite appreciated his patriotic motives. Indeed one must realize that at first sight, on first impulse, one would say that they are correct; but first sight and first impulse, Sir, sometimes require correction after further consideration, and I venture to say, Mr. President, that it is so in the

present case. When my Honourable friend, Rai Sahib Harbilas Sarda, got up, I expected to gather that he was well-acquainted with the museums of India. But from some remarks that fell from him in his speech, I think I must now doubt that supposition. The Rai Sahib said that nearly all that could be removed had been removed from India. Now I do not want to be egotistical and I do not want to say this as a means of obtaining cheap commercial advertisement, but, Sir, in the course of the last five years I have written two books on Indian art. Now without the photographs that I took of works which have remained in India, I could not possibly have written or published those books.

**Rai Sahib Harbilas Sarda :** I said that what could not be removed has remained behind, but everything that was at the mercy of the exploiters has been removed. Such books as Dr. Vincent Smith and others have written are based not only on the antiquities, now in India, but also those removed to and kept in the museums of Europe.

**Mr. J. C. French :** I am very pleased to get that interruption from the Rai Sahib. Now there is a particular school of Indian art that is considered to be one of the finest ; in fact, Mr. President, that is the subject of my last book. Now that is a school in the Kangra Valley—the great Rajput school of the 18th century. Now most of my illustrations are taken from India from places in India from where they cannot be removed, *viz.*, the Calcutta Museum and the Lahore Museum. They could have been removed, but they have not been removed. It was through the medium of officers of Government that they were obtained—Mr. Percy Brown and Mr. Lionel Heaths. As regards certain other branches of Indian art, if anyone wishes to study them, he must come to India. I refer, first of all, to the famous Asoka school. Every Member of the House is familiar with the name of the school of Asoka. Every example of that art is in India, and anyone who wishes to study it has got to come to this country. The same applies to the art of the Gupta emperors. Every important example of the famous Gupta period is in India.

**Rai Sahib Harbilas Sarda :** No. Do you know that the best illustration of Shiva's dance, illustrating the play of cosmic forces, is to be found in Europe and not in India ?

**Mr. J. C. French :** In what period of the Gupta empire is that ? (Laughter.) Mr. President, if the Honourable Member cannot give me the details, I must pass on to the next point. As a matter of fact the class of Indian art that has gone outside is that pertaining to the mediæval period, from about 800 to about 1300 A. D. Now the examples of the art of that period are so vast, that the quantity that has gone out of India would not be missed, as there is an enormous quantity of that school in existence. I venture to say, Mr. President, that, proportionately, no more Indian art has gone out of India than English art has gone out of England—I say that without fear of contradiction from any expert. Now there was another point in the Rai Sahib's speech that interested me and that was this. He complained that certain Buddhist relics have been taken out of Peshawar. He also complained that some ancient manuscripts have been taken out of India. Now, Mr. President, why were those taken out ? The reason was because the Government of India was powerless to prevent it. Now the object

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of this Bill is to give the Government in India power to prevent such things happening in the future (Hear, hear), and thus the Rai Sahib's very objection amounts to support of the Bill.

Well, Mr. President, to come back to Indian museums, I venture to think there are Members who know the galleries of the principal Indian museums, but I wonder how many of them have been underground to the cellars of the storeys down below. Now for any one image in the galleries, there are at least two in the cellars. Some Member might very well ask, why does not the Government send out all these things to the local museums all over the country? But Mr. President, that is very much easier said than done. What are required for a museum are several things. First of all, you have to have a strong pucca building. I am sorry to put it in that blunt way, but if you are going to keep a valuable collection safe in a building, you must have it in a building that is burglar-proof. The second thing you must have in a museum is a guard—a guard by day and a guard by night. I could give practical examples of valuable things in private custody in Bengal being stolen. I remember very well an image of the goddess Chandi in Eastern Bengal that had on it an inscription of the 8th century and which was undoubtedly a national treasure. I saw that image in a temple on the Lalmai hills, just 4 miles from Comilla town in Tipperah district. There was a temple on the top of that hill. I wanted the image for the Dacca Museum. But the man who put it on the temple said that it was an object of pilgrimage. That image remained for some months, but when I inquired about it again, I found that people did not go there for pilgrimage, and that the image had been stolen by thieves and melted down for the gold plating on it. Now that was a real national treasure gone! This example will show you how you must keep things properly, as otherwise they would disappear. The third thing you must have is a competent curator—and that is a thing which might not appear apparent to every Member unless he has considered the subject. If you do not have a competent curator, queer things happen; there are limitations which are substituted for the genuine things. I could give the House practical examples. It is rather a delicate subject, and so perhaps, Mr. President, I may pass on to my next point. My next point relates to my own experience in regard to these excavations. I remember 14 years ago in Bengal in the north of the district of Rajshahi there was a place called Paharpur where there was a big stupa covered with earth. 14 years ago it was simply an earthen mound. Now the Archaeological Department worked upon it, and a whole, complete temple of about the 10th century has come to view, and they hope by going below to get Gupta remains. About 15 miles north-east of Paharpur there are ancient sites in the district of Bogra, and in particular there is a place called "Mohasthan". It is one mile square, rises 40 ft. above the alluvial plain, and you can see things protruding in it from the ground. Now if that were excavated, you would have most marvellous results, but where is the money? Then in the district of Bankura about 6 years ago I got a site put on the list of protected monuments, Serangarh on the Manbhum border. In the district of Midnapore in the month of May this year I tried to get the Archaeological Department to take charge of another place, but they

could not do it. I had intended to refer to some remarks of Sir John Marshall in the "Archaeological Survey of India" Report for 1926-27, in which he said that in many parts of India, at the present rate of progress, it would take a thousand years to gather the existing materials, but as my speech seems to take rather longer than I expected, I shall not inflict these extracts on the House.

As I said at the beginning, Mr. President, there is no need to stress the point that all excavation must be in skilled and professional hands. I think we are all agreed upon that and there is no need for me to talk of the tomb thieves of Egypt in the old days or about the thieves in the buried cities of Central Asia at present. But the point that I am stressing is the enormous advantages that are likely to be obtained by taking the co-operation of foreign societies. We have all heard of the Museum in Cairo and we may have heard about the new museums that they have re-started in Jerusalem and Baghdad. This museum in Cairo is about the finest in the world, and is full of magnificent treasures. All these things did not cost the Egyptian nation a pice; they have got them all absolutely free. There is no reason why India should not do the same. The rules which are going to govern these excavations have not yet been published. They have not yet been approved, but Mr. Page, the Deputy Director of the Archaeological Survey of India, has told me his ideas on the subject which are that, having been excavated and brought out of the ground by these private societies, certain things should be put aside as national treasures and the remainder shall be divided half and half between the society and the Government. The Rai Sahib inquired why these societies cannot excavate for nothing if they are really interested in history and archaeological research. The reason, Mr. President, is that a lot of these societies have got to be maintained by voluntary subscription, and when they go back they have got to show their subscribers some result. If they go back merely with notes, they will not continue to get any support. But if first of all national treasures are taken away and secondly half of what remains is taken by them, we may be sure that the people would be willing to afford all the expense and trouble.

Another argument the Rai Sahib made was about the Tutenkhamen finds in Egypt. The whole of the Tutenkhamen excavations were Egyptian Government excavations, allowed to be carried on at the expense of Lord Carnarvon under the direction of Mr. Howard Carter. In the Tutenkhamen work there is no question of any private individual having the slightest claim or share. Everything went to the Egyptian Government, and this has been going since the year 1902. Therefore the Tutenkhamen example is quite beside the point.

Then another argument of the Rai Sahib was that there is no hurry over this, that all these things are under the ground and have been there for so many years and why cannot we leave them there until the January Session, and circulate the Bill?

**Rai Sahib Harbilas Sarda :** I said there is no hurry for three months and the Bill can be taken up in January.

**Mr. J. C. French :** I hope to show that there is a hurry. Constantly these things are being injured. We have an example that Sir John Marshall pointed out that the Sukkur Barrage scheme has raised the level of the Mahen-jo-daro excavations and has interfered



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with the work of the archaeologists. All over India nowadays irrigation work has interfered with these things. Also we find in the last census that the population of India has increased and the pressure on the land has also increased everywhere. I have seen myself more houses being built and the earth being dug out. I venture to submit, therefore, Mr. President, that there is no time to lose and this Bill should be sent to the Select Committee as soon as possible.

Lastly, Mr. President, I venture to submit that it is not desirable to keep all your art objects in your own country. Some should go abroad to maintain the prestige of India and to inspire respect for India in other countries. No enlightened nation follows the policy of absolute exclusion in the import of art objects. I think that India may very well take an example from Japan. In Japan certain objects are marked as national treasures and they are not allowed to leave the country, but every thing else can be freely exported and imported as much as people like. In fact some of the finest examples of Japanese art have been allowed to leave that country so as to show people outside what Japan can do. I venture to say, Mr. President, that objects of art in foreign countries may be regarded as cultural ambassadors.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhamnadan Rural) : Sir, I was very much interested to listen to the very good and learned speech of my friend Rai Sahib Harbilas Sarda. It was a very learned speech and it cleared many points, but I am afraid that it was not convincing on the point which we have for our consideration at present. It was a very patriotic, but at the same time an unpatriotic speech. His whole object was great patriotism, but the results of his speech and his arguments were coming to something unpatriotic. Here we have under the ground a great treasure for which I have been pressing in this Assembly for some time past that they should be excavated at Hastinapur. We do not know the real history and the real glory of the past days which existed at the time when we had the Mahabharata. All that glory and the civilisation which was ruined by the great war at that time could not be known to the present age except through excavations which we might make on these battle-fields.

**Rai Sahib Harbilas Sarda** : I have never been against excavations. As a matter of fact I welcome them.

**Mr. Muhammad Yamin Khan** : Now, Sir, we know full well, and the Honourable Member in charge of the Department has made it quite clear, that the Government of India cannot spend more than 5 lakhs of rupees at present.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : No, at present nothing.

**Mr. Muhammad Yamin Khan** : Very well, but even with that 5 lakhs can you make any excavations ? Can you bring out the rich wealth that lies buried under the ground in India for the world to know its past glories and its past civilisation ? It is an impossibility. If no money had been coming from Government for these excavations, we would never have known of the wealth which was buried at Harappa and Mahen-jo-daro.

We would never have known of the civilisation that existed in India at one time.

Then one argument of my friend Rai Sahib Harbilas Sarda was that nothing should go out of India. With that desire I have every sympathy as an Indian and I would not allow anything to go out of this country. But at the same time if this principle had been adopted by other countries, we would have never known of the richness of those countries. We would not have been able to compare the civilisation of Babylon four thousand years ago with that of Harappa and Mahen-jo-daro at the same period. We would have never known that these things, which have been excavated at Mahen-jo-daro, are four thousand years old. Now, small articles can go outside any country. Certainly you cannot take away the Taj, you cannot take away the Ajanta and Ellora caves. These things are permanent structures and will remain. They can only take some statue of Buddha or some statue of Kanishka which was found some time ago without a head. That showed something of a gone civilisation. When you find a statue of Kanishka without a head, you can know the history of the time by the dress and you can find out that this was the dress worn at that time. These are the things which have to be done and if the Indian Government cannot find money, they must be done by some other help. Petty things may get out of India, and it will be deplorable if Indians themselves are not ready to purchase them. I have got great sympathy with my friend, Mr. Harbilas Sarda, when he said that a lot of books which he wanted to read could not be got in India and they were finding a place in the British Museum in London or in Germany and other places. It is a pity it should be so, but that shows the callousness of the Indians themselves that they have allowed these things to go out of India. If they had any sympathy for the old art and old literature, they would never have allowed these books to get out of India. But this has happened not because of the fault of the foreigners, but because of the fault of the Indians themselves. A few years ago I myself saw at the Mall here there were two valuable books for sale, Akbarnama and Mahabarat, both illustrated books and written at Akbar's times and their price was Rs. 7,000 and Rs. 10,000 respectively. I found that no Indian was ready to purchase them. I had no money to purchase them. Otherwise I would have purchased them. Some agents of the museums must have purchased them and now my friend, Mr. Sarda, complains that the books have gone out. They have gone out because you were not willing to purchase them. The rich people of this country do not think of spending money in preserving such things in India. If Indians have a taste for old art and treasure, they should purchase such things and keep them in India. Now other countries have become rich and they have cultivated a taste for them. They are purchasing them. Time will come in the near future when Indians also will become rich and they can repurchase those books. Till then this thing must continue and will continue to go on and nobody can stop it. Egypt has been referred to and the Tutenkhamen's tomb—or whatever the correct name is—which has been recently excavated. Is Egypt worse for that excavation? On the other hand thousands of visitors from all over the world visit that country to see this excavation. If we have the same kind of thing done at Hastinapur or another old place, we may find something buried underground and thousands of travellers will come to this country and India will gain in its wealth and treasure and they will be things such as cannot be removed from here as apprehended by my friend, Mr. Sarda. The only thing for

[Mr. Muhammad Yamin Khan.]

which my friend has been repenting is the bones of Buddha which have been taken away by the Burmese and he also said that because Burma is soon going to be a foreign country, therefore Burma should have no interest in Buddha's bones. Indians have not treated Buddha as well as the Burmans, and the Burmans have got every right to have Buddha's remains over and above the Indians and Indians have got no claim over and above the Burmans. Burmans being Buddhists have a better claim than the Indians. Then Babylonia has been referred to. Are the Arabs making the country rich and finding out the old preserves? Certainly not. If my friend is not ready to come forward, some scientists from outside will come and they will demand a share in the work. But he may rest assured that a thing like the Ajanta Caves or some house will never be taken away. Things which will be taken away will be knives, some earthenware, some statues which may be valuable in the eyes of the scientists but which may be of no value in the eyes of the laymen. A thing excavated at Mahen-jo-daro may not be worth more than one anna here but it may be of very great value in the eyes of the scientists. This Bill says that there should be a kind of rule made as to the share of the people who come to enrich the country and excavate the buried treasure. I do not think it is a right policy to circulate the Bill and I think all these objections which have been raised by my Honourable friend, Mr. Sarda, can easily be met in the Select Committee and the Select Committee will go thoroughly into this point and it will be as patriotic and will have as much regard to the Indian interest as the people to whom this would be circulated. The people to whom it may be circulated will say nothing except to give a general support. The Select Committee consisting of Indians will have great regard for things going out of India. With these few words I oppose the motion for circulation.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, it appears to me that the discussion in this House on this matter has rather taken a side track, not confining itself to the real issue before us. After the very amiable and, I may say, the eloquent speech of the Honourable Member in charge of the Department of Education, many on this side of the House were almost tempted to be on his side. But, Sir, a few minutes later we found that the invitation of the Honourable Member to his parlour should not be accepted but should be refused. Sir, when my honoured and revered friend, Rai Sahib Harbilas Sarda, took up his cudgels on behalf of the sacred relics of our motherland, many on this side of the House did not appreciate him as he ought to have been appreciated. But later on as has been said by the English poet, Goldsmith, "Fools who came to scoff remained to pray". Sir, many of us who laughed and scoffed at my Honourable and revered friend when he was feelingly and eloquently stating his case about his country's sacred relics, those friends were silenced and became supporters of the very cause for which my Honourable friend was eloquently pleading in this House. That is as it should be. I was not at first very much inclined to support my Honourable friend, because I did not think it was at all necessary for us to have the Bill circulated, but I do not believe, as was observed by my Honourable friend on the other side, when looking at the empty benches, that people take much interest in archæology. May, I ask him how many people do take an interest in subjects which are scientific or technical in character? That is not any reason why we should not try and elicit the

opinion of those few who are entitled to speak on the subject and who have devoted their life-time to it as my Honourable and revered friend, Rai Sahib Sarda, has done. As my friend has already pointed out, three months' delay in having this Bill circulated and allowing those who can speak on the subject authoritatively to come forward and submit their views to the Government will not matter in the least. It will enable us in the Legislature to get their help, and with the help of learned scholars, historians and archæologists, we could come to some decision as to what ought to be the enactment. As my Honourable friend has also pointed out, the rains have almost ceased, though not fully, and three months' delay will not spoil those ancient relics which have been lying underneath the soil for several centuries. The very fact that the Honourable Member in charge of the Bill, as also my Honourable official friend from Bengal seemed to be a little reluctant, rouses in my mind a certain amount of suspicion that there must be some motive behind the attempt to hurry this Bill. If I give expression to what I feel in matters which come from my friends on the opposite Benches, I may be permitted to observe that it is not my fault—it is theirs. It is their conduct that has not inspired in us that respect and that consideration which we ought to have and which we would wish to have. In fact we are at times carried away by the seductive smiles of my friends on the opposite side, such as my Honourable friend the Commerce Member. But be that as it may, at times we are enabled to think what ought to be, in spite of the invitation into their parlour or the seductive smiles of my friends over there. Here is a very simple thing—preservation of relics under the sacred soil of Aryavarta. My friend demands that they should remain in India ; and my Honourable friend over there says, let half of them remain in India and let half of them go to other countries. I cannot appreciate the arguments which he adduced for this course. It is said that half should be allowed to go to foreign countries so that it may inspire respect for the civilisation of India. If our civilisation, if our culture, if the deeds of our heroes of the past have not inspired sentiments of respect in the foreigners, I say that the relics taken from under the ground will certainly not inspire respect in the minds of foreigners for India and India's past. The one thing that tempts and has ever tempted the foreigners to come to this unfortunate country is not her civilisation or history, but her gold,—not silver, as my Honourable friend observes. So I cannot fall in line with the argument, that has been advanced by my Honourable friend from Bengal, that it will inspire respect for India's civilisation and history in the minds of foreigners. We do not want to inspire foreigners with respect. We would merely like them to leave us alone. I pray to them on bended knees leave us alone, so that in our land of birth we may be at least men with freedom and not the slaves that we are at the present moment.

In advancing his argument, my Honourable friend from Bengal has drawn a comparison of the excavations in Egypt of Tutankhamen's grave, and it was said that it was undertaken by the Egyptian Government. In reply to that I have only one thing to say if the Egyptian Government is a national Government, while in India there is not a national Government, and that is the main objection we have to your undertaking it. If by national Government is meant government by foreigners, certainly you are welcome to say that India has a national government. But nobody out of bedlam would agree to say that the present Government of India is

[Mr. Amar Nath Dutt.]

a national Government. So it is rather adding insult to injury when you draw a parallel between this and Tutankhamen's excavations.

I could not follow exactly the argument that we have no time to lose. I do not know why we have no time to lose. The Honourable Member referred to certain excavations at Paharpur and other places and suggested that private societies would undertake excavation and they should get half of the finds. I for one would not part with a single particle of the sacred relics of our forefathers. My friend made reference to a certain image of Chandi that was found in a certain part of Bengal. He has not been able to realise the intense religious feeling of the Hindus which prompts them not to allow their gods and goddesses, excavated from underneath the soil, to be touched by the profane hands of the irreligious foreigner. That is a thing to which we object, and you should not undertake these excavations in this way with the help of foreigners. I welcome my friend over there, the present Director General of Archæology ; it is now safe in his hands, but formerly it was in the hands of a foreigner and I would not have any excavation done by a foreigner.

It has also been said that these excavations are cultural ambassadors. We know of political ambassadors and what havoc they have wrought in the political life of many a country which was subject to foreign nations ; and we would not invite cultural ambassadors to subdue our ancient culture. In fact our subjugation will become complete when we give way to cultural subjugation. It was not on the field of Plassey that India was conquered, but India was really conquered when her ancient culture and religion were swept away before the on-slaught of an alien culture and religion and India's subjugation was complete.

I shall now say one or two words in reply to my friend, Mr. Yamin Khan, who has been very hard on the Honourable the Mover of this amendment. He has characterised my revered friend the Mover as very unpatriotic. If my revered friend, Rai Sahib Harbilas Sarda, who has devoted the whole of his life to the study of our ancient literature and history (Hear, hear), who has devoted the whole of his life to the amelioration of social evils in this country, and who has helped us with his wise and sage counsels in this Assembly for the last eight years, if he is unpatriotic, I would like to be one of his kind rather than of the kind of my Honourable friend on the other side. (Hear, hear.) My friend, Mr. Yamin Khan, pays lip sympathy for the remains at Harappa and Mahin-jo-daro ; we know too well what his sympathy means when he says that he has no objection to half of the relics going out of India because nobody can purchase them in India. I, Sir, for one moment suspect his patriotism and suspend judgment on his patriotism. With these words, I strongly support my Honourable and revered friend, Rai Sahib Harbilas Sarda, in the eloquent and feeling appeal he has made to the House for the circulation of the Bill, and I hope he will have the support of the entire House.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, as I read this Bill, I find that it embodies two principles.....

**Mr. President** : Before the Honourable Member proceeds further, I should like to ask him how long he is likely to take.

**Sir Hari Singh Gour :** I shall be very brief, Sir. There are two principles embodied in the Bill ; one is to arm the executive Government to protect certain areas which are expected to yield archæological results, and the second thing is to enlist learned and other bodies to make excavations, which, as the Honourable the Mover of the motion has pointed out, is beyond the financial capacity of the Government of India. My friend Rai Sahib Harbilas Sarda does not object to the first principle, namely, that you should protect all areas which are expected to yield archæological results. He is equally not opposed to the other principle, namely, that you should enlist outside co-operation for the purpose of excavations. These two principles being the basic principles of the Bill, neither he nor I can object to the Bill. But there is one matter of detail, and it is this, that when you enlist foreign aid and you wish to give them a *quid pro quo* for giving financial assistance for the excavations, you should make sure that all finds of archæological value having national importance do not go out of this country. That is, therefore, the crux of the whole question, and I think that question can be safely settled in the Select Committee. At the same time I would ask the Honourable the Mover that we might perhaps combine the two motions into one, and if the Honourable the Mover accepts, as he has accepted the Select Committee, he might perhaps by an executive order circulate this debate to the persons who are likely and competent to give an opinion upon the other question as to how far we should in the Select Committee allow these finds of archæological interest possessing national interest to go out of this country. If he does that, I do not think that there will be any opposition from these Benches to his motion, or rather to the motion for referring this Bill to a Select Committee, and at the same time we shall have sounded public opinion on the other question upon which Members on this side of the House, including the Mover of the amendment, feel strongly, namely, how far and under what conditions we should allow these national treasures to go out of the country. Therefore, I submit that this motion can be easily accepted by the Honourable the Mover of the motion, and we might perhaps save time by accepting that motion and that this matter could perhaps be concluded for the day. (Cheers.)

**Mr. President :** Is the Honourable Member, Dr. Ziauddin Ahmad, going to move his amendment?

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhanmadan Rural) : I will move it, but I don't want to detain the House long, Sir.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Sir, I agree with almost every word that has fallen from the lips of Dr. Gour. We are not really at issue on any of the points which have excited the feelings and religious susceptibilities and sentiments and emotions of some of us who for many reasons, age among others, tend to become sentimental and emotional. There was absolutely no intention on my part to smile,—as a matter of fact I do not know how to—but I quite appreciate the sentiment that has been expressed by the Benches opposite that they look with suspicion on everything that comes from this side.....

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Who is responsible for this ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I think you are justified in doing so. I do not expect you to have confidence in me, but I do want you to have confidence in your own judgment. Can I rely on that? Another thing that pleased me most was the openness of mind expressed by Honourable Members opposite. When I had placed my simple motion before them with such observations as I was able to make, they were good enough to say that they accepted that as the right thing to do, but the most well-thought-out and very carefully prepared speech of the Honourable the Mover of this amendment just took them off their feet. It was a fight between reason and feeling, and when such a fight is on, in most cases reason goes to the wall. Therefore, I assure Honourable Members that my friend, Rai Sahib Harbilas Sarda and myself are not really at issue except on one point. We are agreed that there should be control; we are agreed that there should be marshalling of all capital available for excavating; we are agreed that all monuments of national importance should not go out of India; we are not at issue on that at all. What we are at issue is about things which are not of national importance. He thinks that they should remain in India and the people who come from outside India should not take them away, while I find that if in ordinary work-a-day life I want a man to invest his money, his brains, and his energies, he must have a *quid pro quo* other than the mere satisfaction of scholarly.....

**Rai Sahib Harbilas Sarda :** Who is to decide if a thing is of national importance or not, not the present Government? That is a matter which only the representatives of the nation can decide.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The nation will no doubt have some one in authority to do that. This matter whether foreigners should be at all brought in is not a matter which is closed or settled. This is one of the points which the Select Committee will have liberty and time to discuss. The Select Committee may decide that foreigners should be admitted, and this House later may decide that they should not be admitted. Similarly, the Select Committee may decide that they shall not be admitted, but this House may upset or try to upset it here. Therefore, that is not a point which the acceptance of a Select Committee closes. I do not really see what we are quarrelling about. When I made my observations about the speech of the Leader of the Opposition, I said almost every word. I want to make it clear so that it may not be said that I agreed to something and afterwards did not do it. The Honourable Member said that to different persons or institutions the whole of the proceedings of to-day's speeches should be sent. I think what he really meant was that we should present the main issue.....

**Sir Hari Singh Gour :** Yes, yes.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** And not all the speeches.

**Sir Hari Singh Gour :** No. That is right.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I will tell you why I do not want on an elaborate scale this publication for expression of public opinion. We all know it is so easy to inflame the public mind on matters where sentiment and feeling come in. People throw aside the real point under discussion and begin to talk of something else

For instance, as regards these sacred relics, it never entered the mind of any member of the Archaeological Department that the sacred relics found in India by a foreign institution or individual could be possibly given away to it or him. It never entered my mind or the mind of any member of the Archaeological Department, and I must say that it was unfair on the part of the Rai Sahib when he gave the instance of Lord Budha's remains being given to Burma. I should not like to dwell on that point, but it was not a fair attack on the Government of the day which decided that matter. There was very good justification for it. Lord Budha belonged to India, developed his intellect, preached and converted the whole of India to his creed, and yet historians tell us that barring in Burma there are very few Buddhists to be found in the rest of India. Don't you think that the Government, which owed its obligation to that part of the country quite as much as to the rest of India, should have done so? As a matter of fact, I was not responsible for that order, but I have no hesitation in saying that if I were responsible for it, in all probability I should have done the same. (*Rai Sahib Harbilas Sarada* : "That is my complaint.") It is quite possible that if my Honourable friend were in office he would not have done so. But I must ask him to remember that acts like these are done not with the object of injuring or hurting anybody's feelings. You must decide one way or the other, and as long as you decide with the best of intentions and after the most careful consideration, you cannot really take that as an argument that in future no excavations should take place or that nothing should go out. However, as I said, that was only by the way. The main thing is, here is this Bill which I still claim is an innocent one. There is but one point on which there is some difference of opinion between Members on this side and on the other. That matter is open to discussion and debate and decision in the Select Committee and I see really no reason.....

**Mr. D. K. Lahiri Chaudhury** : There is one section of the Bill on which I should like to have an assurance from the Honourable Member, and that is section 20A (c) which runs as follows :

"prescribing the manner in which antiquities found by a licensee shall be divided between Government and the licensee."

(*An Honourable Member* : "That is for the Select Committee.")

I should like to know what would be the attitude of the Government on this matter in the Select Committee.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The attitude of the Government would be very largely guided by what the Members of the Select Committee feel. My own attitude I have mentioned already, and in no uncertain or equivocal terms. I want to be quite clear about these things. This is a thing which will be absolutely open.....

**Mr. D. K. Lahiri Chaudhury** : May I request the Honourable Member just to clear this issue a little further? I want to know what would be the attitude of the Government as regards this point.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The attitude of Government will be that anything of national importance must remain in India. That is my departmental view and also my own view. But still, as I say.



**Mr. D. K. Lahiri Chaudhury :** But who will scrutinise this importance ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain :** The matter will have to be left to the Director General of Archaeology ; it won't be a matter which would rest with the Member in charge. Is that what the Honourable Member wants to know ? It must be left to the specialist. I do not see what other agency could be devised unless it be suggested that a committee of the Members of this House should decide a matter of this sort. That is all I think the Leader of the Opposition wanted me to say.

**Rai Sahib Harbilas Sarda :** Sir, on a point of personal explanation as to what has been ascribed to me.....

**Mr. President :** I should like to ask the Honourable Member to state whether, in view of the assurance which the Leader of the Opposition has obtained from the Honourable Member in charge, he desires to withdraw his motion.

**Rai Sahib Harbilas Sarda :** No. I want to explain what my view is, so that it may not be misunderstood by the House.....

**Mr. President :** Let it be restricted to a personal explanation only.

**Rai Sahib Harbilas Sarda :** It has been said that we are all agreed, both the Honourable Member in charge and myself, that excavations may be made, that foreigners may be allowed to come and do the thing, but that there is only one difference between him and me, and that is that, while he says all finds of national importance may be kept here, and I say that *all* finds whatsoever may be kept here. In order that it is properly understood, all I have to say is that it is not for the Government—I object strongly to Government deciding whether a particular find is a matter of national importance or not. Just now, the Honourable Member in charge said that the removal of Buddha's remains is not a matter of national importance to them.....

**Mr. President :** The Honourable Member is not making a personal explanation. He is making a reply. He must restrict himself to a personal explanation ; otherwise I cannot allow him to go on.

**Rai Sahib Harbilas Sarda :** My personal explanation is this. I have not agreed at all to the interpretation which my Honourable friend has put on my conditions.

(At this stage Mr. S. G. Jog rose to speak).

**Mr. President :** I should like to put the question now, unless there is a general feeling in the House that further discussion should take place.

**Several Honourable Members :** Let the question be now put.

**Mr. President :** I accept the closure. The question is that the question be now put.

The motion was adopted.

**Mr. President :** The question is that the Bill be circulated for the purpose of eliciting opinions thereon.

**Rai Sahib Harbilas Sarda :** If the Honourable Member agrees to circulate my speech by executive order along with the Bill, the implications of the Bill will be understood, but not otherwise. The Bill

has been so skilfully and cleverly drafted as to hide the real principle of the Bill.

The Assembly divided :

AYES—24.

Abdoola Haroon, Seth Haji.  
Abdur Rahim, Sir.  
Aggarwal, Mr. Jagan Nath.  
Chandi Mal Gola, Bhagat.  
Dutt, Mr. Anwar Nath.  
Hari Raj Swarup, Lala.  
Jog, Mr. S. G.  
Kyaw Myint, U  
Lahiri Chaudhury, Mr. D. K.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Parma Nand, Bhai.  
Patil, Rao Bahadur B. L.

Puri, Mr. Goswami M. R.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Sardu, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

NOES—50.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anwar-ul-Azim, Mr. Muhammad.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Crerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dyer, Mr. J. F.  
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.  
Fox, Mr. H. B.  
French, Mr. J. C.  
Graham, Sir Lancelot.  
Griffiths, Mr. G. I.  
Hezlett, Mr. J.  
Howell, Mr. E. B.  
Ishwarsingji, Nawab Naharsingji.  
Ismail Ali Khan, Kunwar Hajee.  
Jawahar Singh, Sardar Bahadur Sardar.  
Knight, Mr. H. F.  
Lal Chand, Captain R. B.  
Lall, Mr. S.

Leach, Mr. F. B.  
Maswood Ahmad, Mr. M.  
Misra, Mr. B. N.  
Montgomery, Mr. H.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Pandit, Rao Bahadur S. R.  
Parsons, Mr. A. A. L.  
Rainy, The Honourable Sir George.  
Rajah, Rao Bahadur M. C.  
Rama Rao, Rai Bahadur U.  
Row, Mr. K. Sanjiva.  
Roy, Mr. S. N.  
Sahi, Mr. Ram Prasad Narayan.  
Sams, Sir Hubert.  
Schuster, The Honourable Sir George.  
Sher Muhammad Khan Gakhar, Captain.  
Shillidy, Mr. J. A.  
Studd, Mr. E.  
Tait, Mr. John.  
Talib Mehdi, Khan, Nawab Major Malik.  
Todd, Mr. A. H. A.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Young, Mr. G. M.  
Zulfiqar Ali Khan, Sir.

The motion was negatived.

**Mr. President :** I should like to ask Honourable Members whether they are prepared to get the amendment for the Select Committee formally moved and have it put to the vote or whether they want some further discussion.

(Cries of "No discussion.")

**Dr. Ziauddin Ahmad** : Sir, I rise to move :

“ That the Ancient Monuments Preservation (Amendment) Bill be referred to a Select Committee consisting of the Honourable Member in charge of the Department of Education, Health and Lands, Mr. R. K. Shanmukham Chetty, Mr. Gaya Prasad Singh, Mr. Lalchand Navalrai, Mr. Ramsay Scott, Mr. Muhammad Yamin Khan, Mr. N. N. Anklesaria, Rao Bahadur Chaudhri Lal Chand, Rai Sahib Harbilas Sarda, Seth Haji Abdool Huroon, Mr. J. C. French, Mr. B. N. Misra, Mr. Amar Nath Dutt, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. Mr. President in the Chair.

## DEMANDS FOR SUPPLEMENTARY GRANTS.

### MISCELLANEOUS.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 3,57,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Miscellaneous ’.”

### *Inadequate Representation of Bengal at the Round Table Conference.*

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 3,56,999.”

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I wish to raise a point of order. The practice here has been to give token cuts of Rs. 100 and some of us have given token cuts of Rs. 100 to discuss other important matters. I now find that my friend whose grievance is the non-inclusion of more members from Bengal in the Round Table Conference wants to cut out the whole grant except Re. 1. How are we going to discuss the various motions of which we gave notice, probably earlier than Mr. Dutt ? I hope you will rule, Sir, that the matter can only be discussed on a Rs. 100 cut, and that Mr. Dutt's cut should take its own place on the Agenda.

**Mr. President** : Any Honourable Member is entitled to say that he will give only one rupee against a demand of Rs. 3,57,000 made by Government, but in that case he will have to deal more with the financial aspect than with a particular grievance.

**Mr. Amar Nath Dutt** : Sir, I am glad that Mr. Das's objection has been overruled. (Laughter.) In a manner it has been overruled, and the President has pointed out in what way I should discuss the motion. And probably my Honourable friend knows that I know as much of the rules and conventions of this House as he does. (*Voices of, “ You know more.”*) Yes, I probably know more.

Sir, I shall place before the House the reasons why this supplementary grant is required. You will find from the Blue Books that have been given to us, that Rs. 3,27,000 is for the Round Table Conference. Travelling expenses amount to Rs. 1,84,000 and other expenses are Rs. 1,36,000. Then again linked with these are two other things, viz., special commissions for inquiry ; i.e., the North West Frontier Province Subjects Committee, Rs. 23,000 and the Sindh Financial Inquiry Committee, Rs. 14,000. I shall ask the House not to accept this Rs. 23,000 and Rs. 14,000, for the Round Table Conference was not accepted by the people of this country, I mean the real people who count ; and the Government brought about a settlement between the representatives of the people and those that will participate in the Round Table Conference, and that was only a few days ago here, when negotiations were going on between that great man Mahatma Gandhi and the Government of Lord Willingdon. Up till then the real people of India were not in the Round Table Conference. There might have been people of whom the less said the better. Some words were coming to my lips but I shall restrain myself from uttering them. So you will find, Sir, that this North West Frontier Province Subjects Committee and the Sindh Financial Inquiry Committee were offsprings of the deliberations of the Round Table Conference which did not contain any real representative of this country but contained representatives of the people of England and men of their choice from India. That being so, Sir, we cannot sanction any grant whatever for these two items. I have therefore submitted my reasons for taking away Rs. 37,000. Now I come to the balance of Rs. 3,20,000. This is a large amount. Of this the travelling expenses come to Rs. 1,84,000. Now, Sir, those who are really bent upon having constitutional Government here and who want to have self-determination as the basis of the constitution to be framed for India will be reluctant to get their travelling expenses from the Government. Apart from that, who are the people that have been sent ? Have you been careful in adding the names which will command the confidence of the people of this country in the future constitution that is to come ? No. I say, Sir, here as representatives of the people we will be justified in at least throwing out any demand which the Honourable the Finance Member, instigated by others, has been compelled to put here. We know that the Honourable the Finance Member will be the last man on earth to ask for money unless he is compelled to do so. I know that his hands and feet are tied up by the bureaucratic rope. Therefore he has been compelled to bring this before us. In fact, if he had been a free man, I am sure he would not have asked us to grant this demand. It will be seen that to the list of members who were selected for the Round Table Conference originally there have been added some other names from other provinces but none from the province of Bengal. I do not know whether this is meant as a penance, when you ask us to contribute Rs. 1.84 lakhs for the Round Table Conference. I do not know whether it is meant as a penance for the sins of Mir Jaffer and Omichund. We have to make great sacrifices before we can have Swaraj ; we have to pay a price for freedom. The reason for which I am asking the House to refuse this grant will be acceptable to the Honourable the Home Member, because he hails from another province. He does not know whether Bengal is an important province or not and he thinks that Bengal might easily be neglected. I know that unless you had that sort of feeling for Bengal for the state of things there, you would not have done

[Mr. Amar Nath Dutt.]

this. Be that as it may, I submit, when you had got additional members from other provinces, I ask you what are your reasons for not having included any member from Bengal. You have not added a single individual from Bengal to the already selected list which was to your liking. You do not want the real voice of Bengal to be represented in the Round Table Conference although you know that Punjab and Bengal ought to send more members than any other province in India. I think I am not betraying any secret when I say before this House that when I enquired how the representatives from Bengal were selected, what was the method and what was the reason, the reasons and the explanation given were such which did not appeal even to that Honourable Member who was instrumental in selecting them.

**Mr. President :** Order, order. May I draw the Honourable Member's attention to the fact that he is concentrating on making out a provincial grievance. He is not dealing on financial grounds with the large reduction he advocates.

**Mr. Amar Nath Dutt :** In these days of financial stringency, when we cannot agree with the Honourable the Finance Member and he finds that people, who have great respect for him, have to go against him and vote against him, I submit that to bring a demand for this huge amount, and that for other expenses—I do not know what these other expenses are—the Government of India have also “other expenses” for the C. I. D.,—is not proper. But as the Honourable the Finance Member has asked for a grant, I will give him only Re. 1, the total amount to be reduced being Rs. 3,56,999.

**Mr. B. Das :** I do not agree with my Honourable friend, Mr. Amar Nath Dutt, in coming at this late day of the year to oppose the wholesale grant to the Round Table Conference, because this grant was included in the Budget last session and my friend passed it even without giving notice of a cut. I think to-day we are not to face the situation when we can do away with the allowances of the members of the Round Table Conference, but we are to face the point whether the present Round Table Conference is the right one and really representative. I think we have to discuss the subject from that point of view alone.

**Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official) :** I do not know whether I am justified in taking part in this debate since I happen to be one of those unfortunate people who have to attend the Round Table Conference, but it is something else which makes me get up and say a few words. Sir, as far as expense over the Round Table Conference is concerned, the suggestion of holding the Conference originally came from a party of which the Honourable the Mover of this cut, Mr. Amar Nath Dutt, was a member. This original suggestion for holding the Round Table Conference was from the Swaraj Party which was then in ascendancy in this House and of which, as I have just said, the Honourable the Mover was a leading Member ! The idea of course was that the Congress would take part in the Conference, but if none of the Congress people took part in the Conference last year, at least this time we find the authorised representative of that party attending the Conference in London just now ; and if the Congress

which is the foremost political party in this country is represented at that Conference and its accredited spokesman is at present engaged in its deliberations, we should not, I think, grudge them this little expense over its members when there is every possibility of their coming to some sort of solution of our difficulties. This is a point to be considered, though it really does not concern me much.

It is however in connection with that small item of expenditure for the North West Frontier Province Subjects Committee, that I should like to remind the House that it was a well organised small committee, short-lived and hard-worked, which carried out its task within two months. But for that committee, this House would have always remained in doubt whether expenditure over that province was not very very extravagant. Now, that the report of that Committee is before the House, Honourable Members, who read it, will find that even that much-maligned province is not as extravagant in its expenses as it was generally supposed to be. Moreover that report will assure the Honourable Members as well as the general public that the people of that province have been found, as a result of this Committee's sifting inquiry, to be quite fit for any constitutional advance when compared with the rest of India ! If that knowledge has been gained with this small expense, I hope the House will not grudge it. That Committee has removed a good many doubts and suspicions about the efficiency of the administration as well as the capacity and ability of the people to take part in the Indian constitutional advance, and I am sure that the result of that very sifting and careful inquiry must have convinced this House that the province is fit to take its proper part in the political life of India. For these reasons I hope the House will have no hesitation in passing that very small item of expenditure.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, my Honourable friend, Mr. Amar Nath Dutt, accused me this morning of a seductive smile. I am afraid I must accuse him of seductive words intended to lead this House in a most regrettable direction. I admire the skill with which he tried to weave together the various points in his case, but I am confident that he did not succeed in persuading the House to withhold the provision, altogether or almost altogether, for the expenses of the delegates to the Round Table Conference. I am so confident of that that I do not propose to argue the case at length. I will only ask my Honourable friend one question. It is this ; he has left one rupee ; for who is it intended ?.....

**Mr. Amar Nath Dutt** : It is for those members who were originally appointed.

**The Honourable Sir George Rainy** : I think the House would have been grateful to my Honourable friend had he been able to enlighten it on that most interesting point.

**Mr. Amar Nath Dutt** : Sir, I have heard my friends, Mr. B. Das and Nawab Sir Abdul Qaiyum ; their arguments are that the original Round Table Conference which was constituted was the right thing and whatever has been done in pursuance of that and other committees which followed it was the right thing to be done.

**Honourable Members** : No, no.

**Mr. Amar Nath Dutt :** My friend relied upon the original sanction, but he forgets that sanction was not the sanction of the people. That sanction was had, because we knew on this side of the House, and they knew it also on the other side, that they had the forty nominated members and others of their way of thinking and that we had been left alone, severely alone, by our former colleagues and so this thing was passed. My friend Mr. B. Das and I are two strange bed-fellows ; we were not of the same camp ; our ways of thinking are not the same and we cannot forget even in our calmer moments that we belong to different stock. I do not know whether my friend was nettled because of the allusion to representation from Bengal only, for I find that the cut coming next is that of my Honourable friend who complains not only of the non-representation of Orissa, his own province, but also the non-representation of the Merchants' Chambers, and Federation. So he wants to safeguard the interests of every association with which he is connected, and he will not support me when I ask for the proper representation of my own province, I beg to submit that I am not convinced by the arguments of my Honourable friend on the other side, or of my friend from the North West Frontier Province or of my friend from Bihar and Orissa. I do not like to withdraw my motion.

**The Honourable Sir George Schuster :** Sir, I have nothing to say.

**Mr. President :** The question is :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 3,56,999.”

The motion was negatived.

**Mr. President :** As regards the next amendment† standing in the name of Mr. Goswami Puri,—is he here ? (*An Honourable Member :* “ He is not here.”)

**Mr. Amar Nath Dutt :** May I move it on his behalf ? Sir ?

*Non-participation of the Representatives of the Federation of Indian Merchants' Chambers and Industries in the Federal Structure Committee and the Round Table Conference.*

**Mr. B. Das :** Sir, I beg to move the motion standing in my name, which is as follows :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

Sir, since I gave notice of this motion, events have so shaped that the Government of India and the British Government have seen their way to permit the delegates of the Federation of the Indian Merchants' Chambers and Industries to make their journey to participate in the Round Table Conference, but it is due to the obstinacy of the Government of India or those who advised the Viceroy and those who advised Whitehall and the Secretary of State, that to-day no accredited representative of the Indian Mercantile community takes part in the Federal Structure Committee. All of us have read in the papers that when the Secretary of State, after declaring the rupee as being linked to the sterling, invited the delegates to the Round Table Conference present to meet Sir Henry

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced to Re. 1 (non-inclusion of a Bengali in the Orissa Boundary Commission).”

Strakosch, supposed to be a great authority on Indian currency matters being at the India Office, he thought fit to omit to invite Mr. Ghanshamdas Birla, one of the accredited representatives of the Federation of Indian Merchants' Chambers, and Mr. Ghanshamdas Birla was not present, and all of us know what sort of statement that gentleman, I mean Sir Henry Strakosch, made. He said that if the rupee were not allowed to be linked to sterling, the rupee would go down considerably and would be worth 6d. only. I do not know if that gentleman is paid from the Indian Treasury, if so, I hope he will not be paid for the sort of economic knowledge that he possesses, which is really a menace to India. Sir, I have been told not to press this motion, but I thought that the Government of India would have advised that Mr. Ghanshamdas Birla should deputise on behalf of Sir Purshotamdas Thakurdas at the Federal Structure Committee. Press news from London states that Mr. Birla has given a watching brief at the Federal Structure Committee. The advisers of the Secretary of State are so much afraid of Mr. Ghanshamdas Birla that they do not want Mr. Birla to take part in the Federal Structure Committee pending Sir Purshotamdas Thakurdas's arrival. This is a great national calamity for India and for Indian mercantile interests. I shall give the House one example. When in that Committee where the Secretary of State invited all the delegates and they discussed about the rupee being linked to sterling, no member made any statement, and I can say this much, that if Mr. Ghanshamdas Birla or Sir Purshotamdas Thakurdas had been present, they would have surely made a statement, then and there, as we demonstrated on Saturday last, and we told the Government and the world what was the national viewpoint of India.

Sir, as I began, while I congratulate the Government of India and the British Government, for, at last sanity has dawned on them, for having invited the accredited representatives of the Indian mercantile community. I condemn their action for keeping out Mr. Birla from the Federal Structure Committee and from his participating in private and public conferences where India's fate was decided and where it was allowed to be declared that the rupee would go down to 6d. if it was not linked to sterling.

**Mr. Amar Nath Dutt :** Sir, what is sauce for the gander is also sauce for the goose. The Honourable the Mover of this motion would not support me in my proposition about Bengal, but his heart bleeds for those merchant princes, and therefore wires were sent across the seas and the whole Council Chamber vibrated with the voice of this so-called voiceless Chamber of Commerce, and they succeeded in getting representation at the Round Table Conference. Now, comes another demand that they should have been represented at the Federal Structure Committee. My friend forgets that the Federal Committee was constituted long before these three members of the Chamber were added to the Round Table Conference. (*An Honourable Member :* "But new Members were added subsequently.")

**Mr. B. Das :** My friend does not know the actual facts.

**Mr. Amar Nath Dutt :** I admit I do not know the facts as well as he does, but I know some of the facts which if disclosed would not be either to the interests of this House or of the country at large. But this much I know that this non-participation does not require any censure to be passed on the Government. If the Government have given



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you three seats at the Round Table Conference, you ought to feel grateful. I only pleaded for my province. However, they have denied it, and though I am not grateful, I am not vindictive, but I plead for justice only. Sir, this cut or censure motion comes with bad grace from a gentleman who belongs to that Chamber whose demands have been fulfilled, and therefore I would ask my friend that with that grace which is characteristic of him, save and except on this occasion, he should withdraw his motion.

**The Honourable Sir George Rainy :** Sir, my friend Mr. Dutt has made my task an easy one. He has dealt so fully with the various aspects of the case that I must be brief. I think when my friend Mr. Das put down an amendment on the paper he had two objects in view, one to bring about the full representation of the Indian Chambers of Commerce which he wanted to see, and second to have an opportunity of telling Government just what he thought about it. Now, my friend has attained both his objects, and in these circumstances I suggest to him that he might gracefully withdraw his motion.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : What about the representation of Orissa ?

**Mr. President :** Does the Honourable Member wish to reply ?

**Mr. B. Das :** Sir, knowing as I do the temper of the House, and knowing also that my friend Mr. Amar Nath Dutt wants to mislead the House, I do not wish to press my motion to a division.

The amendment was, by leave of the Assembly, withdrawn.

*Non-representation of Orissa at the Round Table Conference.*

**Mr. B. Das :** Sir, I beg to move the motion standing in my name, which reads thus :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

Sir, while I find my friend on the right, who represents Bengal and has got six seats at the Round Table Conference, is clamouring for an additional seat, I find Orissa has been completely ignored for the last Conference as well as for the present Round Table Conference. I will just enlighten my friend Mr. Amar Nath Dutt that his province is represented by Mr. Basu,—I believe he is a friend of Mr. Amar Nath Dutt—Sir P. C. Mitter,—are they not Bangalies ? If my friend wants more, I do not mind his getting more representation, but I say his province has been adequately represented at the Round Table Conference, while Orissa goes unrepresented. Sir, in the last Round Table Conference the Rajah of Parlakimedi, a landholder from the Madras Presidency, whose name was published in the State papers as the representative of the Indian landholders, was allowed in his other capacity as an Oriya to represent Orissa. I must take this opportunity to testify to the fact that he did his utmost to help the Oriya interests. But to-day he has resigned his membership of the Round Table Conference, and has accepted another position in a Commission appointed by the Government of India through the instrumentality of the Round Table Conference, and no Oriya has been allowed to replace him. From the newspaper announcement we find that another landholder of Madras, the Rajah of Bobbili, has been substituted in place of the Rajah of Parlakimedi.

Sir, of the new provinces that will come into existence as the result of a change in the constitution, Sind and Orissa will be two, and I find that Sind was represented at the First Round Table Conference and is also represented at the second Round Table Conference. I wonder why the Government have ignored the claims of Orissa unless my Honourable friend the Leader of the House, who knows that excellent passage in the late Lord Curzon's speech in the House of Lords, that the Oriyas were not an agitating people, and that if they were, they would have achieved their object long, long ago, of the constitution of a separate Orissa Province, probably thought that the Oriyas were not agitators, they had not joined the terrorist criminals, they were co-operating with Government, though from the side of the Opposition, and therefore that the Government could safely ignore their claim. Sir, I ask for bare justice from the House. I ask whether the Oriyas have not an equal claim with Sind to be represented at the Round Table Conference? Even my Honourable friend, Nawab Sir Abdul Qaiyum, who represents the North West Frontier Province, which is at present working under different circumstances but claims to become a province with complete self-government institutions under the new constitution—my Honourable friend represents that province, and why is it that the Oriya claim has been ignored? Does my Honourable friend the Leader of the House, who advised the two Viceroy's to make such choice as they thought fit, think that the Oriyas have nothing to contribute at the Round Table Conference, whether to the constitution of a separate province for Oriyas, or to the greater goal of constitutional freedom for India? Sir, I think the Government should regret their action in ignoring the claims of Oriyas for the last 1½ years, and I hope that they will now nominate an Oriya to the Round Table Conference.

Sir, it is rumoured that the Government of Bihar and Orissa did not press for an Oriya representative at the Round Table Conference. But I find that two more Beharis have gone to the second Round Table Conference, I mean Maulvi Shafee Daoodi and Sir Ali Imam. So, Bihar has got four and Orissa has no representative at all, while in the despatch which the Government of India wrote to the Round Table Conference their view is that Oriyas should have a separate province of their own. Sir, I claim here my right not as an Oriya but as an Indian, and I want that as an Oriya I should contribute my best for the remodelling of the constitution of India and Orissa as well.

**Mr. Amar Nath Dutt :** It would not have been necessary for me to rise on this occasion but for the little mud flinging which my Honourable friend Mr. Das had at Bengal. He has read before you certain names which I had studiously avoided, and he has added the name of one gentleman who, although bearing a Bengali name, has not belonged to Bengal for the last three generations and whose forefathers had migrated from Bengal to the Punjab nearly a century ago. Sir, I won't say a word against those eminent gentlemen whom you have been pleased to select in your wisdom, but at the same time I beg to state that they are not representatives of nationalist Bengal or of the Bengali people.

Sir, I will not oppose my Honourable friend Mr. B. Das in his demand for a representation of his province in the Round Table Conference for the framing of the future constitution of India. From the point of view of intelligence, culture and education, I can well say that the

[Mr. Amar Nath Dutt.]

Oriyas can also contribute something towards the framing of a constitution for India. Any one holding opposite views surely does not know the people of Orissa, and his knowledge must have been derived from other than those who are the educated people of Orissa. Sir, I think that Orissa must have representation and I support my Honourable friend in his demand.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadian) : I beg to support the cut moved by my Honourable friend Mr. B. Das. The number of delegates to the last Round Table Conference was 52, and if you take province by province, there are eight major provinces in India, and the province of Bihar and Orissa deserved at least 8 seats, and Orissa in that case would have got half. We have not got even one quarter, or one-eighth, or even any decimal portion, .000, etc. Our position is this. The Leader of the House and the Government have totally ignored the province of Orissa. The Rajah of Parlakimedi is, strictly speaking, a representative of the landholders or zamindars ; he never represented Orissa proper. Even now, the present Round Table Conference has been increased in number by 16 members. In that case our proportion becomes much more, but you will find that the Rajah of Parlakimedi is not on the Round Table Conference now. Therefore, we have no representative at all there. Sir, I think Orissa must necessarily be represented in the Round Table Conference in view of the recent formation of the Boundary Commission and in view of the formation of a new province for Oriyas. In the last Simla session I submitted in this very House that the Oriyas had a very important question to be settled which has been pending for the last 30 years since the time of Lord Curzon. Sir, there is still time for an Oriya to be selected to represent Orissa proper at the Round Table Conference, and I would earnestly appeal to the Government to rectify their error. (*An Honourable Member* : " Why don't you suggest names ? ") I think the Government can select any man whom they think suitable. I do not object to their selecting anybody so long as they satisfy the Oriyas. There is still time. I think the Government of India have committed a grave error in not taking notice of the cry raised in the last Simla session and throughout in several shapes. I heartily support the cut motion moved by Mr. Das.

**The Honourable Sir George Rainy** : Coming as I do from the province of which Orissa forms a part, I should be very sorry indeed to think that I was in the position of defending a wrong to Orissa, but I do not think I am in that position. Orissa was represented, as my Honourable friend has admitted, at the first sitting of the Round Table Conference. I do not think that either of my Honourable friends from that province, who have spoken, have sufficiently appreciated the importance of what is going on at present, that is to say, the work of the Orissa Boundary Committee, the appointment of which was announced a few days ago. I think all Honourable Members will realise that while that Committee is sitting and until its report is received, it is not at all likely that the Round Table Conference will occupy itself with the special problem of Orissa. I have no doubt that the Raja of Parlakimedi, who represented Orissa at the last Conference, has realised that it would be more useful for his own province and for its interests if he devoted

his attention to the Boundary Committee than that he should go to London at the present time. I think the work of that Committee must be of extreme importance in the settlement of the question which my Honourable friends have so much at heart. That is where the key of the situation is at present and for the moment from the special Oriya point of view, London does not count very much. When the work of the Committee is over and when the time comes for the Conference to consider the Oriya problem, then I think my Honourable friends might very well press for the representation of Orissa at the London Conference when that question is discussed. For the moment I would put it to them that their remonstrance or proposal is not timely. At the moment the important question will come before the Boundary Commission and that is where the prominent men of Orissa can best serve their province.

**Mr. B. Das :** I listened to the Honourable the Leader of the House, coming as he does from my own province, with the greatest respect, but I feel that he has not met the points I advanced. He suggested that the Oriyas are only interested in their domestic problem of the separation of Orissa and not in the greater and bigger problem of India's destiny. He has done an act of unkindness to the Oriya people by suggesting that and I think it might have created a wrong impression on the Members of this House. Under the circumstances I cannot withdraw my motion and I press it.

**Mr. President :** The question is :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

The motion was negatived.

*Inadequate Representation of the Landlords and Zamindars at the Round Table Conference.*

**Lala Hari Raj Swarup** (United Provinces : Landholders) : I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

I have taken this opportunity to express the grievance of the landlords of India in general and of the United Provinces in particular about their inadequate representation at the Round Table Conference. We have two complaints, one is about the inadequate representation of landlords at the Round Table, and secondly the manner in which they, if any, have been chosen. I was looking up the list of members of the Round Table Conference, and I could not find which of them has really been nominated to represent the landholders of India. In the other House a Resolution was moved the other day and the Honourable Member in charge replied that the Maharaja of Darbhanga and Sir P. C. Mitter of Bengal and four others, whose names he did not care to mention, were appointed to represent the landholders of India. I had a talk with the Nawab of Chhattari and the Maharaja of Darbhanga. The latter said that he represented the Hindus of Bihar and not the landholders. (*Voices : “No.”*) That is what the Maharaja said. There is no other Hindu at the Conference from Bihar, and the Nawab of Chhattari said that he was there in his official capacity of Home Member of the United Provinces Government.

**Mr. Gaya Prasad Singh :** Is not the Maharaja of Darbhanga the president of the Landholders' Association ?

**Lala Hari Raj Swarup :** He is, but he has not been nominated in that capacity. Since the last Conference, we feel that our case is going by default and except for a short speech by Sir P. C. Mitter, whom I wish to thank on behalf of the landholders, nobody took up our case at the Conference. I would not have taken this opportunity to place our grievances before this House, but the events of the last few months have put us to alarm. The Congress in their Resolution about fundamental rights have said that they are for the interests of tenants and not of landlords. They even went to the length of suggesting that they should do away with the permanent settlement of Bengal and the zamindar class as a whole. This is what they say :

“ Some members of the Committee strongly favoured the insertion of a clause abolishing the permanent settlement and the zamindari system. It was not included as in the view of the majority the clause relating to the revenue system and land tax would give the right to the future legislature to consider all such proposals.”

Then very recently Mahatma Gandhi, in his speech at the Federal Structure Committee of the Round Table Conference, said that he does not want to give any special representation to the landlords. He was not for any special representation of any class. At one place, however, he said that there should be a clause in the constitution providing that if the constituents failed to elect representatives of certain classes, as for instance, women, Europeans and representatives of Commerce, they should be selected or nominated by the Legislature. There is no mention, Sir, in this clause about landlords. Whether they have separate constituencies or not, and whether they are elected from General Constituencies or not, no representation is to be given to them. Now a Resolution was moved in the other House for claiming an adequate representation at the Round Table Conference, and the Member in charge said that, “ The proper opportunity will come to press your claims before the Franchise Committee which is to be appointed ”. We admit that we can put forward our claims before that Committee, but the broad principles will be decided in London, and the Franchise Committee, which will be appointed only in accordance with the recommendations of the Round Table Conference, will not be able to go into the fundamentals and will only carry out the policy decided in England. If the Round Table Conference decides that there should be no special representation for us, then the Franchise Committee cannot accord representation to the landholders as such. Sir, it is a general principle that representation goes by taxation. If you look at the Budgets of the various Provincial Governments, you will find that one-half of the provincial revenues of the Provincial Governments comes from land revenue which is paid by the landholders of India ; and, to ignore the landholders of India on the Round Table Conference, Sir, is doing a grave injustice to this class. The Government of India, Sir, whenever we represented our case to them, said that the nominations have been made by His Majesty's Prime Minister and that they are not responsible for these nominations. Sir, when they ask for money from this House, I urge that they should feel their own responsibility towards ourselves ; and when certain additions have been made to the list of delegates to the Round Table Conference very recently. I say that that must be on the advice of the Government of India. We represented our case several times to Lord Irwin and also to the present Viceroy and Governor General. His Excellency very sympathetically

said that the Government of India would give us adequate representation; but, Sir, when we looked into the list, we did not find our community adequately represented through our representatives. With these few words, Sir, I wish to place our protest on record.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, I rise to support the cut motion which has been moved by my Honourable friend, Mr. Hari Raj Swarup. Being myself also a representative of another landholders' constituency, I owe it to myself to support him wholeheartedly in this matter. Like him, I have also keenly felt the injustice of the inadequate representation of our interests on the Round Table Conference from my province of Bihar and Orissa as well. Sir, I know it as a fact that the oldest premier institution in India of landlords and zamindars, I mean the British Indian Association of Calcutta, has repeatedly pressed upon the attention of His Majesty's Government as well as that of the Government of India, the fact of the inadequate representation of the land-owning classes in India on the Round Table Conference, but all that, Sir, yet to no effect.

Sir, we, the land-owning classes, have not only always stood by the Government through thick and thin *as a class*, but have always, by our timely, regular and periodical payments of the land revenue, enabled them to carry on their administration smoothly. (Ironical Cheers from some Honourable Members.) We have handsomely contributed towards all their loans, and have influenced our people to contribute towards them largely. We also pay heavy amounts as income-tax year by year. We have very often, Sir, exercised a healthy influence upon the body politic in times of unrest. Then, by payment of the various kinds of cesses we have enabled the district authorities everywhere to keep the roads and public works in good and satisfactory condition. But, Sir, notwithstanding all these services, as we have been quite averse to any sort of political agitation, either in the Press or on the platform, lest our great stakes in the country might be prejudiced in any way, the Government of India have always turned a deaf ear to all our representations. Sir, the Government of India evidently lay great store by political agitation, and they in fact respect those who clamour for rights, and they are afraid of those who have got a strong organization, because it is my firm conviction that, if only the landlords and zamindars of India had combined and pitted the weight of their wealth and substance into an extensive political agitation inside the country for a recognition of their legitimate claims and aspirations, they could have in no time made the Government recognize them, just as the Federation of Indian Merchants' Chambers and Industries have been able to do. But that, Sir, is an impossible dream in the present disintegrating condition of our land-owning classes and I shall content myself therefore by supporting the motion of my Honourable friend in giving vent to our grievance pointedly only in this House.

**Mr. Goswami M. R. Puri** (Central Provinces : Landholders) : Sir, I rise to support the cut motion of my friend Mr. Hari Raj Swarup.

I regret to bring to the notice of this House that, in spite of the promises made by the Government last year on the questions of the Raja of Kollengode, Government have not cared to give an adequate representation to the landholders of India in the second Round Table Conference.

[Mr. Goswami M. R. Puri.]

This Round Table Conference, since it is devoid of an adequate and true representation of landholders, may afford any good thing to India, but we are sure, Sir, that we are not going to get anything better ; on the other hand it is very likely that we may get something worse.

We are at a loss to know why our class is so ignored both by the public and by the Government as well. (Laughter.) In fact it is our class, Sir, which contributes a major portion of the whole contribution to the Government *Khazina*, but in spite of this fact, our class is ignored as anything ! India is an agricultural country, and in fact our class claims the first voice. (Hear, hear.) As a representative of the zamindars of the Central Provinces and a joint Secretary of the Landowners Group in the August Assembly, I protest against this dark business, often successfully carried out. From the floor of this House I wish to bring to the notice of the Government, Sir, that as long as the landowners are not properly cared for, no good constitution will be acceptable to this class. (Hear, hear.) It may be argued by the Government that some of the Round Table delegates are big landholders of India ; but I shall be the last man to admit this version. The Government might have included some big zamindars, but I venture to say, without any hesitation, that they are not our true representatives in the real sense. During the first Round Table Conference, Sir, we had a bitter experience that these representatives did not care even to put our case before the Round Table Conference. What of fighting for us, then ? Sir, it is an open secret that our class is sinking down and down, and it is a matter of regret that the Government are ignoring us in such matters which are so highly important. As a landlord, I am here to record my emphatic complaint. We demand little, but we insist upon what we demand, because we are on the right side. We must get a better representation.

The interests of our class are as united as of the other classes of people. I hope, Sir, that I have sufficiently succeeded in briefly impressing upon this House, the justice for this cut motion and I sincerely appeal that at least the non-official Benches will lend their unanimous support.

**The Honourable Sir George Rainy :** Mr. President I daresay the House will realize that it would be imposing a somewhat difficult task upon a Member of the Government to deal with every one of these cuts upon their merits, and to say that an ideal distribution between all conceivable interests had been attained, more especially because, as the House is well aware, the responsibility for the selections rests with His Majesty's Government and does not rest with the Government of India. I had not the heart to make this general point when the question of Orissa was raised. As my friends Mr. Das and Mr. Misra know, I have a soft spot in my heart for Orissa, though not in my head, I hope. (Laughter.) But I think this cut provides the natural opportunity on which I must make two general points, first, that the responsibility does not rest with the Government of India, and second, that if an angel had come down from Heaven to make the selection, I believe the number of cuts moved upon this occasion would have been just as numerous as they are. (Laughter.) I am sure Honourable Members of the House realise how extraordinarily difficult it is in the case of a Conference of this kind to give the representation one might wish to give to all the various

important interests concerned in the future of India. And even if it were possible to disregard the question of numbers and make the Conference very numerous, we should still not satisfy anything like all the interests, for each of them would consider that the representation accorded to it was inadequate. I would not say one word to underrate the importance in the future of India of the great land-holding community. But if their feeling is that their case will be inadequately presented at the Round Table Conference, and that there are not sufficient delegates to state it adequately, I think they are unduly apprehensive. After all at a meeting, such as the Round Table Conference, it is not a question of counting votes ; it is a question of weighing opinion. And I am confident that those members of the Conference who can fairly claim to speak for the land-holding community will be perfectly able to put their views forward effectively, and it is not in the least probable that their views will be overlooked or ignored.

I would press upon the House the importance of the considerations I have urged, because while one Member may be interested in one particular motion for a cut and another Member in another motion, each of them may be able to perceive the flaw, if not in the cut that he has moved himself, at any rate in the cut that was moved by his friend. I thought I had noticed a little earlier in the afternoon that perhaps my friend Mr. Das's eyes were open to the weaknesses in the cut moved from his right, and Mr. Amar Nath Dutt's eyes to the weaknesses in the cut moved from his left.

I think that practically completes all that I have to say on this motion.

**Lala Hari Raj Swarup :** Sir, the Honourable Member just now said that in the Round Table Conference it is not a matter of counting votes and any one having sympathy with the landholders is entitled to represent their case. That is correct, but we feel that the proceedings of the last Round Table Conference have revealed that nobody has taken any interest in our case there and we feel that our case is going by default. We only wish that they had nominated such zamindar members as had the confidence of the landholders in India and could adequately represent our case at the Conference, especially in view of the fact that a special attack is being made on our rights here and also in England ; and such provisions should be proposed in the new constitution as would not allow to take away our proprietary rights from us. With these few words, Sir, I beg to submit that I am not inclined to withdraw my motion.

**Mr. President :** The question is :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

The motion was negatived.

*Inadequate Representation of Mussalmans in the Federal Structure and Minority Committees and the Round Table Conference.*

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”



[Mr. M. Maswood Ahmad:]

Sir, the sins of omission and commission committed in the selection of the personnel of the Muslim delegates to the Round Table Conference are legion. The Muslim delegation is neither effective nor adequate. The differential treatment accorded to the Hindu Congress and to the Muslim Conference is a glaring example of the invidious distinction made by the Government in dealing with the sister nations of India. Not only was the Congress given the right to select its own representatives, but this right was extended to the Federation of the Indian Chambers of Commerce also, while not a single association of Muslims was asked to select its representatives. Our elementary right has been totally denied and this is the reward. I admit, Sir, that amongst the Muslim members there are politicians, great men of reputation and well educated and influential persons. There are great patriots and well-wishers but, Sir, they are not our representatives nor are they the representatives of any Muslim organisation. The Muslims are anxious for their religious safeguards, but not a single person has been nominated from amongst the all-India *Jamiat-ul-Ulema*. The *Jamiat-ul-Ulema* is an all-India organisation with its centre at Cawnpore. May I ask Government who represents them and who will press the religious points of view in the Round Table Conference? India is an Eastern country where religion is above all. If the religious safeguards will not be settled entirely to the satisfaction of our *Jamiat-ul-Ulema*, we Mussalmans cannot accept any form of Government or any constitution by whomsoever devised. As the general body of the Round Table Conference is not meeting till the first week of November, it still remains in the hands of the Government to undo the wrong and redress the grievances of the Mussalmans by empowering the all-India *Jamiat-ul-Ulema* at Cawnpore to select its own nominee for nomination by the Government. Sir, this is not the question of a province or of a section of a community, but rather this is a question of the whole of Muslim India. This is the last opportunity, Sir. I do my duty and warn the Government in time. If Government want to satisfy Mussalmans and want to know our religious feelings, they must consider the question coolly.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

Sir, the other example of inadequate Muslim representation is this that the North-Western Frontier tribal area and Baluchistan and Central Provinces have not been represented at all. The representation of Bengal is very poor. While nearly half the Muslim population of British India lives in Bengal alone, only two Muslims have been elected from there. Important men of Bengal like the Honourable Syed Abdul Hafeez who represents 20 million Muslims of Bengal in the Council of State have been ignored by the Government. Sir, when I see that people not knowing English well have been nominated from amongst us, how can I satisfy myself that the Muslim representation is effective?

**Mr. Amar Nath Dutt :** Who does not know English? Our information is that they are all well versed in the English language and literature.

**Mr. M. Maswood Ahmad :** That may be, but my information is otherwise. I request my Honourable friend to see the list again and especially the list of new recruits carefully.

Sir, I have proved the inefficiency and inadequacy of Muslim representation in the Round Table Conference and I hope Government will try to redress Muslim grievances.

With these words, Sir, I move my cut.

**The Honourable Sir George Rainy :** On this particular cut I can only say a very few words. The general considerations that I urged when the last cut was moved have their bearing on this cut also. But I think my Honourable friend who moved this motion will realise that there is a special difficulty in dealing with this particular cut on the merits, because the point he raised was not so much that the numbers of the Muslim delegation were inadequate, but that he did not consider that the right men were selected. Now quite clearly I think that is an extraordinarily difficult proposition to put before this House and ask it to vote on it. Throughout this afternoon the House has shown the greatest reserve and its appreciation of the importance of the issues involved, and has not pressed any of these motions so far to a division. I do sincerely hope that my Honourable friend, on this occasion also, will see his way not to press his motion to a division, because we are not the tribunal by which a question of this sort can be settled.

**Mr. Deputy President :** Is the Honourable Member prepared to withdraw the motion ?

**Mr. M. Maswood Ahmad :** I am not satisfied with the reply given and I am not prepared to withdraw the motion.

**Mr. Deputy President :** The question is

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.”

The motion was negatived.

*Non-representation of the Jain Community at the Federal Structure Committee or the Round Table Conference.*

**Mr. Nabakumar Singh Dudhoria** (Calcutta Suburbs : Non-Muhamadan Urban) : Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Re. 1.”

Sir, I am constrained to move this cut to give printed impression to a particular grievance of our community. The community to which I have the honour to belong, I mean the Jain Community—a minority community—no doubt in the country—finds no representation either in the Federal Structure Committee or on the Round Table Conference. I think there will be no gainsaying the fact that in the commercial life of the country, members of my community play not an insignificant part. My community has never cared for the loaves and fishes of Government service, but has wholly occupied itself with trading and commercial pursuits. It is for this reason that Lord Ronaldshay, in one of his books, has stated that nearly one third of the wealth of the country passes through the hands of the Jains. There are many well-known commercial magnates in my community who have great stakes in the country and who can very well hold their own against people of other trading classes. The European

[Mr. Nabakumar Singh Dudhoria.]

merchants throughout the country will vouch from the fact what an important community ours is in the existing commercial and business life in the country. Then, Sir, members of my community have ever been known to be loyal and peace-loving and averse to all sorts of agitation. Members of my community have also freely and unstintedly given towards all public charities and have contributed largely towards all Government loans. Sir, a prominent member of my community from Bombay, who is a friend of my family, went on the Simon Commission in face of the violent opposition of the country, to represent our interests there. Such being the case, and especially when trading rights of the different commercial communities in India are going to be discussed and settled in the Federal Structure Committee and the Round Table Conference, we feel really aggrieved as a community that in the matter of our vital interests, the Government should overlook our claims of representation altogether. If it is not yet too late, I am confident the Government will see the reason of my grievance and set right the omission by putting on the forthcoming Round Table Conference a member from my community.

Sir, I beg to move the cut that stands in my name.

**Mr. B. Das :** Sir, I want to ask the Honourable Member one question. Is not Mahatma Gandhi a member of the community to which my Honourable friend refers? (*Several Honourable Members :* "No.") Is not Mahatma Gandhi's whole doctrine based on *Ahimsa* (non-violence), the doctrine of the Jains?

**The Honourable Sir George Rainy :** I would not say a single word to underrate the importance of the community on behalf of which my Honourable friend has spoken. But this particular cut does illustrate the difficulty of giving representation to all the interests and communities in this enormous sub-continent of India, when the number of delegates must be limited to something less than 100. It is impossible to constitute a conference of that kind without a number of omissions, which some Members will feel to be unfair. If cannot be helped, and I can assure the Honourable Member that Government do fully appreciate the importance of the Jain community. I trust that my Honourable friend will find it possible not to press his motion.

**Mr. Deputy President :** The question is :

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Re. 1."

The motion was negatived.

(Mr. Amar Nath Dutt rose to move his motion.\*)

**The Honourable Sir George Rainy :** On a point of order, I would submit that on this particular cut, at any rate, it is incumbent on my Honourable friend to show how the failure to enquire into the causes of the agricultural distress is related to the expenses of the Round Table Conference.

**Mr. Amar Nath Dutt :** It is related in this way. In the Round Table Conference, the fortunes of those agriculturists are being decided

\*\*\* That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of 'Miscellaneous' be reduced by Rs. 100. (Not inquiring into the causes of the agricultural distress to relieve the same.) "

and they have no representation there and at the time of the present distress, you should not, at the cost of the tax-payers, send any man to England for the luxury of claiming a constitution which does not provide for relief of the agricultural distress in the country but which on the other hand enhances it by the addition of heavy burdens. I hope my Honourable friend, the Commerce Member, will be satisfied with this explanation of mine.

**Mr. Deputy President :** Order, order. Motions of a similar nature have been attempted to be moved in the past and a ruling has been given in the past on such motions. It has been clearly ruled that on a debate on supplementary or excess grant only those questions can be raised of expenditure which are covered in the demand under question, and as I understand from the Leader of the House that the question relating to agricultural distress is not included in this demand under discussion, the Honourable Member's amendment is out of order.

**Mr. K. Ahmed :** But, Sir, is it not a fact that this motion is already on the Agenda and the President himself has allowed this motion ? Now does it lie in the hands of the Deputy President to say this, regard being had that the notice of that amendment was given two days previously within which time the objection could have been taken ? That period being over, objection cannot be entertained.

**Mr. Deputy President :** The Honourable Member has been in this House for over nine years.

**Mr. K. Ahmed :** Eleven years, Sir.

**Mr. Deputy President :** The Honourable Member has been in this House for 11 years and he must by now have understood the rules and Standing Orders of this House. The fact that a motion appears on the Order Paper does not mean that the Chair has allowed that motion. A point of order can always be raised when a motion is attempted to be moved and it is always open to the Chair to rule that motion out of order.

**Mr. K. Ahmed :** Practice and custom play an important part. And this is the practice, and rules and Standing Order, that.....

**Mr. Deputy President :** Order, order. Does the Honourable Member mean to question the ruling of the Chair ?

**Mr. K. Ahmed :** No, Sir. But if an.....

**Mr. Deputy President :** The Chair has given its ruling and the Chair cannot allow the ruling to be discussed and questioned.

(Mr. Amar Nath Dutt rose to move the motion standing in the name of Mr. Goswami M. R. Puri.\*)

**The Honourable Sir George Rainy :** I should like to raise a point of order on this particular cut also. The supplementary demand which has been moved by my Honourable colleague does not, I understand, contain any provision for the Orissa Boundary Commission.

**Mr. Deputy President :** If that is so, the motion is out of order.

\*\*\* That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ' Miscellaneous ' be reduced by Rs. 100. (Non-inclusion of a Bengali in the Orissa Boundary Commission.) "

*Representation of Non-Brahmins and Bombay Karnatak at the Round Table Conference and the Minorities Sub-Committee.*

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhamadan) : Sir, the motion that stands in my name runs thus :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 50.”

The point I want to make out is this : that by certain acts of commission and omission on the part of the Government of India the tax-payer of India is made to pay, over and over again, large sums of money for the same purpose. This is the point I want to make out. Let me go back to the year 1930. In that year in the July session of this Assembly, Member after Member protested on the floor of this House that the Round Table Conference was not representative and did not include the Congress. It was pointed out and contended that the delegation at the Round Table Conference would not be fully representative and serious results might ensue. The Government of India then did not pay a moment's attention to what the Honourable Members of this House on this side then said. What was the result ? The Round Table Conference went on without the representation of the Congress, and to-day what is the position ? To-day the representatives of the Congress have been invited and they are attending the Conference at London. Whose fault was this ? I submit it was the fault of the Government of India. Had they then paid a moment's attention to what the Honourable Members on this side of the House contended and urged upon them, we would not have been faced with this supplementary demand for a large sum of money. That is the point which I want to lay at the door of the Government.

Then I want to take this opportunity to raise my little finger of warning to the other side. I beg to submit that they are going to commit a similar mistake now. I want to urge that the omission on the part of the Government at the present moment is this : that no representation has been given to the Kannada-speaking people living in different districts of the Bombay Presidency, Madras and Coorg : and also there is no representation at all of the non-Brahmins of Bombay, Deccan, Berar and the Central Provinces. The third thing which I want to raise under this motion is this, that His Majesty's Government in England have not been pleased to appoint any Non-Brahmin on the Minorities Sub-Committee now sitting in England. I know that the Honourable the Leader of the House will put before us two answers to my point : the first is this, that it is the Government of His Majesty that has got the right to invite delegates to the Round Table Conference, and that His Excellency the Governor General is not primarily concerned with this matter. To this I can very well answer that formally it may be true, but as a matter of fact I cannot bring myself to believe that it is really so. I believe that it is the Government of India that take the initiative in this matter, and that it is on their recommendation that the selection is made. The second answer is this, that it is not possible to give representation to various interests if they represent a single interest. I beg to submit that it is possible for the Government of India to select such members who can represent not only particular interests but also other interests of a general character.

With regard to the non-representation of Non-Brahmins in the various provinces, I need not say much. All the Honourable Members know fully,

and perhaps better than myself, what the non-Brahmin movement stands for and what it has achieved in the past and what its grievances are. But I should like to confine myself to the grievances of the Kannada-speaking districts of Bombay, Madras and Coorg. At the very outset I can submit to this House that the principle of redistribution of provinces on a linguistic basis has been conceded by the Joint Parliamentary Committee. They have held in their report—paragraph 246—that it is essential for the proper working of responsible Government that the future Indian administrative units should be distributed on a linguistic basis. They have further held that the present distribution of administrative units is not based on any sound reason or object. They have been so far merely historical accidents. In the next place, I should like to submit that the finding of the Reforms Enquiry Committee which submitted its report some years later is similar. Lastly, I should like to mention some of the activities of the several Legislatures in India in regard to this point. The matter was once mooted in the Council of State and thereafter it was said by the Government that the matter should be first agitated in the local Legislatures. I am fortunate in mentioning to this House that the Legislative Council of Madras and the Council of Coorg have passed Resolutions recommending to the Government of India that early steps should be taken to form a separate province for Kannada.

For all these reasons, I beg to submit that though this was an important matter, though there was a popular demand on the part of the people, the Government of India did not care to send at least one or two delegates who could represent this matter as well as other matters of public interest before the Round Table Conference. Sir, I beg to move.

**Mr. S. G. Jog** (Berar Representative) : Sir, to begin with, I must congratulate my friend Mr. Patil upon having moved this cut and having given me an opportunity of saying a few words on this cut. It was extremely unfortunate on my part or for reasons very well-known to myself that I have not given any cut for reducing the expenses of the Round Table Conference for two reasons. One reason is, I was a Member of the Standing Finance Committee, and when the proceedings were going on there, I had committed myself and sanctioned the amount, and it would have been very inconsistent on my part to speak against the things which were done in the Standing Finance Committee. My loyal friends at least know that there is room for repentance, and it gives one an opportunity of undoing what has already been done. I must congratulate my friend for one thing, because he has given me an opportunity of saying a few words on this Resolution by including my province in his Resolution. It is no doubt a sort of encroachment upon my rights, but I welcome it in the sense that he has given me an opportunity of ventilating my grievance also. I am not pleading for the non-Brahmin community, for I have no desire to bring in communal matters on the floor of the House. I do not know exactly what are the grievances of the Karnatak non-Brahmins or of the non-Brahmins in other parts of the Presidency, but so far as my province goes, it is not a case of inadequate representation, but it is a case of no representation at all. I have written in newspapers so many times, and even on the floor of this House I have explained to the House the anomalous position of the province to which I have the fortune or misfortune to belong. You all know how my province has been treated for the last so many years. It is a province of whose administration it is very

[Mr. S. G. Jog.]

difficult to speak. Some people say it is British India, while others say that it is not British India.....

**Mr. K. Ahmed :** Berar is leasehold property.

**Mr. S. G. Jog :** It is a leasehold property under the treaties that passed between Lord Curzon and His Exalted Highness the Nizam, but it has been also agitated in the Press, and it has been held for all practical purposes that Berar is a part of British India. But when you move the British Government and ask for any rights, they say, "You are not British India, we are sorry we cannot do anything for you." When His Highness the Nizam makes a claim to the property, the British Government say, "We have to guard the interests of those people who have been under our protection and care for the last so many years". This is a position under which my unfortunate province is labouring for the present. We have no proper representation ; our grievances are not redressed, and it is really a question as to what is to be done about this province for which there is no parallel in the history of India, as to what is to be done under the new constitution, and when so many momentous issues are to be decided at the Round Table Conference, a province like Berar, the population of which is 34 lakhs, the income of which is 2 crores, goes unrepresented. I had no desire to ventilate the grievances of my province but since an opportunity has been given to me by my friend, I take this occasion to ventilate the grievances of my province, and as was observed by my friend Mr. Misra and by some other friends, it is not yet too late, and I think it is just possible for Government to rectify their mistake and give my province an opportunity of being heard and taking part in the momentous questions that will be decided and discussed in the Round Table Conference. I support this cut which has been so ably moved by my friend Mr. Patil.

**The Honourable Sir George Rainy :** Sir, I am somewhat apprehensive that in my attempts to answer the speakers on the various cuts I am getting into the danger of being called to order by the Chair on the ground of repetition. But, Sir, I am afraid that the only attitude I can take up on this cut is substantially the same as the attitude I have taken on others. It is really not possible by a vote of this House to deal with alleged inadequate representation or non-representation of a particular interest or a particular area or a particular community, because the final judgment must depend upon the relative importance of a large number of communities, areas and interests, and until we had considered the claims of all of them, we should not be in a position to say whether the non-representation of a particular community was a mistake or not. I fully appreciate the importance of what my friends have urged with regard to the areas and the communities referred to in the motion for the cut, but I would once more suggest that they would be well advised not to press them to a division on the present occasion.

**Rao Bahadur B. L. Patil :** Sir, my reply is this. There appears to be some misunderstanding on the part of the Honourable the Leader of the House. My motion did not ask for representation of any particular community, and I must say that the non-Brahmin community is a community which represents the masses of India and who form about 95 per cent. of the population.

Then I should like to point out that it would be false economy on the part of Government to restrict representation now as they have once done

in the past. I fully endorse what my friend Mr. Jog said, namely that it is not yet too late for the Government of India to review the representation of the various interests and communities, because we see from the Demands for supplementary grants that the full Round Table Conference will meet in the last week of October. Therefore, I would point out that the Government will be justified in spending the tax-payers' money if they only give full representation to the various interests. I ask the Honourable the Leader of the House to tell me whether he would be justified, when there is a popular demand on the part of the people that they should be heard on the momentous occasion in London, in telling us that he is not able to give representation. At whose cost is the Round Table Conference meeting? It is a straight question which I am putting to the Honourable the Leader of the House. If it is at the cost of the ratepayers and tax-payers of the country, then I say it is the right of the people of India to demand that they should be heard on this momentous occasion.

**Mr. Deputy President :** The question is :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 3,57,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 50.”

The motion was negatived.

**Mr. Deputy President :** The question is :

“ That a supplementary sum not exceeding Rs. 3,57,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Miscellaneous ’.”

The motion was adopted.

**Mr. Deputy President :** I understand that the Government would like to have an adjournment of the House till the time when the Finance Bill is presented. I would like to know from Honourable Members whether they have any objection. (*Several Honourable Members :* “ We have no objection.”)

The Assembly then adjourned till Five of the Clock.

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The Assembly re-assembled at Five of the Clock, Mr. President in the Chair.

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## STATEMENT ON THE FINANCIAL POSITION.

**The Honourable Sir George Schuster** (Finance Member) : I rise to make a statement on the financial position and on our plans for dealing with it, in somewhat unusual and difficult circumstances. On the one hand it is necessary that we should not delay in restoring equilibrium between revenue and expenditure. On the other hand the foundations on which we have to base our estimates are at the moment fluctuating owing to the changes which have come upon our currency position in the week which has just passed. But the very nature of that change makes it all the more necessary that our internal financial position should be sound—for once a country's currency is cut adrift from the moorings of a stable standard such as Gold, it is particularly necessary to avoid getting into any sort of inflationary position resulting from a failure to balance current expenditure with current revenue. If we can convince the world that our internal budgetary and monetary position is sound, then



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with our favourable balance of trade we shall be able to preserve confidence in our currency and save the country from those disasters which some Honourable Members who spoke on Saturday professed to apprehend. Therefore we must take immediate steps to ensure clear and solid foundations for our internal position.

But the very fact that the steps must be immediate, creates its own difficulties. In the first place, we have to present to the Legislature an emergency plan with very short notice. I can assure the House that we do this with the greatest possible reluctance. We recognise that Honourable Members may be put to very great inconvenience by any sudden change in plans, but I am sure that they on their side will recognise that we must put the public interests first, and that if the public interests make it imperative to take a certain course of action, Government ought not to hesitate to ask the members of the Legislature to make any sacrifice involved. Nevertheless, when I have said this, I must also add that, so far as it is consistent with what we consider to be our duty as a Government, we will do our utmost to meet the convenience of Honourable Members. And in this respect I should like to say at the outset of my speech that we have taken account of the last portion of the motion of my Honourable friend the Deputy President which was passed by a large majority in this House on Saturday, and that we are prepared to act on the suggestion which emanated from the non-official benches in the course of the debate on that motion.

We have to get through business which we consider to be in the national interest but our desire is to put it through in such a way as best suits the convenience of this House. We very much appreciate the tone and spirit in which Saturday's debate was conducted, and we believe that we can detect in the attitude of the whole House a desire to take a full share of responsibility in the present emergency. That there will be criticism of some of our proposals I cannot doubt, but I believe that it will be fair criticism—and fair and honest criticism we shall always welcome.

Then I come to the second of the difficulties to which I have referred resulting from the necessity for immediate action. It is quite clear that in present circumstances it is impossible to prepare accurate estimates of what our revenue is likely to be in the next 18 months. The course of the exchange value of sterling and of the rupee is uncertain, while no one can yet foretell what the reactions in the world of England going off the Gold Standard will be. I am sure that I shall be told in debate that in these circumstances it is not fair to come before the country with a programme of taxation; or that my estimates are unreliable and that I cannot justify the taxes which I am proposing. But I have explained the reasons why we cannot wait, and I would most earnestly appeal to this House, and through them to the country, to respect those reasons. It has seemed to us that the only sound course is to take our estimates as we had been able to foresee them before the events of last week and to put before the House a plan which would produce equilibrium on the basis of those estimates.

Then there is another difficulty, resulting from immediate action, in that we have not yet had time fully to consider the reports of the various

Retrenchment Committees and to work out plans based on them. Honourable Members are aware of the circumstances in which these reports have been received. They were formally submitted on Saturday, 19th September. A sub-committee of Council commenced their consideration the very next day—Sunday. Then on Monday we found ourselves landed in the crisis which has been so much before the House in the past week, and further consideration of the reports has therefore been retarded. I shall have to deal with these reports in a later portion of my speech, but I should like to make clear at the outset that we shall approach all these proposals with the firm intention of giving effect to them to the utmost extent possible. I should also like at this early stage to express my great appreciation of the work which has been done by all the Honourable Members who have served on these committees. They have been working like slaves, or, as one Honourable Member put it to me at the last meeting of the main committee, “like devils”, and I can assure the House that their labours are appreciated. I have every confidence that as a result of a general scaling down of expenditure which the recommendations of these committees, if carried out, will effect, the finances of the Government of India will be established on a more secure basis than has existed since before the war, and that by these efforts a position will have been produced which will not only make it possible to establish a new Federal Government on a sound foundation, but will leave a margin available for the development of these nation-building services for which the Provincial Governments will mainly be responsible. That, however, is looking to the future, and before we emerge from the dark and tangled jungle of our present difficulties into the clear air and sunlight to which I have cast my imagination forward, we have to accomplish a period of hard and self-sacrificing labour. I will not say unpleasant labour, for, although many of the immediate effects are unpleasant, I will not describe the task as a whole as unpleasant, for it is one which is essentially constructive in its nature, and merely involves self-restraint and determination for the sake of that India which we are serving, and in the hope of better times to come. Let us now address ourselves to the immediate task.

### *Revenue Prospects.*

*Tax Revenue.*—The returns of the first five months indicate that we shall fall short of our Budget estimates for customs by at least Rs. 10 crores, the heaviest reductions being under cotton piece-goods, sugar, silver, spirits and liquor, excise on motor-spirit, iron and steel and in the jute export duty. As regards income-tax, we expect a deficit of  $1\frac{1}{2}$  crores; while on salt we expect a reduction of about 8 lakhs. This brings the total deficit on tax revenue to 11 crores 33 lakhs.

*Commercial undertakings.*—As regards the Railways, traffic returns to date show a very disquieting position. Without attempting to give an exact estimate now, we must clearly accept the fact that it will be impossible for the Railways, in spite of all their retrenchment measures, to make any general contribution to the budget until the present economic depression completely passes. At present it looks for the current year at least as if they will not only have to use the whole of the remaining balance of their reserves, now standing at Rs. 525 lakhs, but also to draw further on their depreciation fund to the extent of about Rs. 160 lakhs in order to meet the interest due on Government advances. It is highly important, if possible, to reduce freights on agricultural products at the

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present time, and, if it could be done, it would certainly be in the public interest to find a method for easing the Railway position through the present period of extreme depression. Whether it will be possible to relieve the Railways in any way so as to enable them to reduce charges remains to be seen ; but, when our taxation proposals are considered, this aspect of the position should be kept in mind. For the present I can only say that we shall not get any Railway contribution this year, and for this reason Rs. 5.36 crores drops out of our budget.

Under Posts and Telegraphs a fall of 18 lakhs is anticipated in revenue, after taking into account additional receipts from enhanced parcel rates and revised scale of fees for insurance of postal articles introduced with effect from the 15th June and 15th August 1931 respectively. A saving of 6 lakhs is expected under Working expenses, leaving a net deterioration of 12 lakhs. Honourable Members will recollect that we estimated for a Budget deficit of 147 lakhs, so that the position here is extremely unsatisfactory. If the recommendations of the committee presided over by my Honourable friend, Sir Cowasjee Jehangir, for investigating the possibility of adjusting the accounts of the Posts and Telegraphs were accepted, the budget deficit of 147 lakhs would be reduced to 92, but that of course represents merely an adjustment in the Government accounts and no improvement as regards the financial position of the Government as a whole. I shall revert to this matter again.

*Finance headings.*—Owing to the cancellation of treasury bills in the Currency Reserve and the utilisation of sterling securities in the Reserves for meeting the requirements of the Secretary of State, the receipts under Currency and Interest show a falling off of 34 lakhs.

The emergence of a revenue deficit in our Budget, and in the Budgets of the Provincial Governments, and the replacement of treasury bills in the Currency Reserve by treasury bills in the hands of the public as a result of cancelling redundant currency, have not only increased the amount of our borrowings by treasury bills, but also have been the cause of higher discount rates. The charges for discount on treasury bills have therefore increased by 221 lakhs. A reduction of 12 lakhs is anticipated under Interest on ordinary debt in India on account of operations of the Depreciation Funds. The saving of 56 lakhs (representing one half year's interest on the outstanding amount of the War Loan liability) realised from the acceptance of His Majesty's Government's proposal on the principle of the Hoover plan has been partly counterbalanced by the increase of 40 lakhs on interest on the sterling loan of £10 millions raised early in the year.

Owing to the deterioration in the position of Provincial Governments and the Railways, the charge under the heading Interest on other obligations on account of interest on their balances will be reduced by 10 lakhs.

There will be an automatic increase in the provision for Reduction or Avoidance of Debt of 12 lakhs on account of the amount of treasury bills outstanding with the public on the 31st March, 1931, being 10 crores more than was assumed in the budget.

The net result of all these factors is that under the Finance headings our position will be adversely affected to the extent of 2.29 crores.

Under Extraordinary receipts we have to provide for a reduction of 23 lakhs, as under the Hoover plan we shall have to forego 9 months' Reparations receipts. As already noted, however we have, against this, a saving on the interest on our own War Debt of 56 lakhs.

*Civil Expenditure.*—As regards Civil expenditure we have unfortunately some items which have not been provided for. These include exceptional items such as the loss owing to the heavy return of nickel coin from circulation due chiefly to the prevailing depression. This accounts for no less than 43 lakhs which according to our practice has to be debited to the budget. Then again there is a good deal of expenditure in connection with the Round-Table Conference and the various commissions of enquiry in the North West Frontier Province and elsewhere which have had to be set up in order to carry out recommendations of the last Round-Table Conference. As against these items we shall have some savings in the current year owing to reductions which have been made (apart from the special retrenchment proposals, to which I shall refer later) ; but these will probably not be sufficient to offset the items of deterioration which I have mentioned. On all these heads we feel it necessary to anticipate a deterioration of about 23 lakhs.

To sum up, the total deterioration in our income and expenditure is :

- 11.33 crores in tax revenue,
- 5.48 crores on commercial departments,
- 2.29 crores on general Finance headings,
- .23 crore under Extraordinary receipts,
- .23 crore under other heads including Civil expenditure.

As the budget provided for a small surplus of 1 lakh, on the basis of the present estimates, there will be a net deficit of 19.55 crores.

*Prospects for 1932-33.*—As far as we can see at present, there seems to be no justification for expecting any large improvement in the budgetary position next year. In fact, income-tax revenue may be considerably less than in the current year. On the other hand, there will be a saving of 48 lakhs in the interest payments on the outstanding amount of our War Loan liability.

I have already dealt with the factors of uncertainty which affect any estimate that we can give at present. But we consider that the only safe line to take now is to estimate that conditions will not substantially improve at least before the end of the next financial year, and that we must reckon again on a deficit of 19½ crores for 1932-33.

Putting the deficit for the current year and next year together, we have a gap to fill of 39.05 crores. If we are, straight away, to establish a really sound position, we need to devise a plan which will provide us during the remainder of the combined two-year period, either with reductions in expenditure or with increased revenue to fill this gap. That is, indeed a task of extreme difficulty. We have a two years deficit to deal with, but we have only 18 months left during which new measures can operate. Nor is even this period fully available, for although new taxation can be made effective from the beginning, there must be some considerable delay before the full results of our retrenchment plans can be met.

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*Three lines of action.*

This is the position, and the line of action which we have to take to deal with it may be divided into three distinct lines.

First, reductions in expenditure due to more economical organisation of Government departments and restriction of activities.

Secondly, an emergency cut in salaries.

Thirdly, fresh taxation.

*Reduction in Expenditure.*—I will deal first with reductions in expenditure, and I put this first because Honourable Members know that I have throughout attached primary importance to this line of action. I may say that after the last Budget discussions I registered to myself a Resolution that I would not come before this House and ask them to vote any fresh taxes until I could feel myself to be in a position to satisfy them that we, on the Government side, were going to give effect to the maximum possible measures of retrenchment. In these circumstances I am sure all honourable members will appreciate that if I put forward the whole of our present programme at a time when the Government has not yet completely worked out its retrenchment plans, so that all the details cannot be displayed before the House, I do so only under the compelling hand of necessity. But I would ask them also to appreciate that it is only the details which are lacking, and that we are determined, as I have already said, to approach all these proposals with the firm intention of giving effect to them to the utmost extent possible. Variations in subsidiary matters there must be, and where essential public interests are concerned Government must have time to weigh fully the considerations at stake, but our aim and intention is to adhere as closely as possible to the recommendations of the committees. I hope that before the discussions of our present proposals are finished and before the House is asked to record any final vote as regards new taxation, we shall be able to put before them a more definite and detailed plan. I feel that Honourable Members are entitled to ask for this, and that we have no justification in putting plans for taxation before them except under the most solemn pledge of effecting the maximum reduction of expenditure. I feel no hesitation in taking this line because it is the right line in the public interest. Any improvement that we can effect by way of reduction of expenditure is a certain improvement; but any improvement that we seek to make by increasing taxation depends entirely on our estimates being realised, and, in the present conditions, with reduced purchasing power, and when the effects of the reduced gold value of the rupee on imports are still unknown, estimates, particularly of customs revenue, are, to say the least, highly uncertain. Having said this I will turn to a statement of what we expect to achieve by way of retrenchment, and I will be as definite as possible.

As regards Civil expenditure, apart from commercial departments, an enormously preponderating portion falls within the scope of the General Purposes Sub-Committee. The General Purposes Sub-Committee took up first a selected set of subjects which *prima facie* offered the most likely scope for retrenchment. The measures recommended by the Sub-Committee for this portion of the field would produce savings estimated at about 120 lakhs. For my present purposes I am taking as the estimated

aving, this figure, reduced by a margin of 20 lakhs, representing what we estimate may be the charge for compensation and recurrent pensions payable in respect of officials whose posts are abolished. Thus we reckon to get a net saving of about a crore on this part of the field. We have also to take into account the grants for those departments (largely the main administrative and revenue-collecting departments) which have not yet been examined by the General Purposes Sub-Committee. Over this part of the field the scope for retrenchment is more restricted. In respect of it we estimate that we shall be able to effect a net saving of about 90 lakhs, including an automatic drop of about 23½ lakhs in the expenditure on Census operations, but taking into account something for compensations, etc. This is only an estimate, and in making it we have anticipated that the sub-committee will be guided by the same principles that they have applied in dealing with other departments. While it is necessary for me to put in some estimated figure for my present purpose, we rely on the help and recommendations of the General Purposes Sub-Committee in regard to these departments just as much as we have relied on them for those which have already been examined. If they can find economies of greater extent than we have estimated, so much the better. If their final recommendations fall short of our figure, then we shall have that much to make up in some way or other. The difference can hardly be of such magnitude as to effect our general plan, and when I have completed my presentation of the general plan it will I think be clear that there is sufficient margin available.

Recommendations of the other Retrenchment Sub-Committees (other than those for Railways and the Army) indicate measures for improving the Civil position for 1932-33, as compared with the budget for the present year, by a gross sum of about 97 lakhs. Taking into account compensations, etc., we propose to count on a net improvement of 60 lakhs under these grants.

Out of the retrenchment measures to which I have referred we expect to realise savings of about 30 lakhs in the current year.

*Military Expenditure.*—Now I come to the Army—and before I get to details I must make some general remarks. I have in the past incurred some criticism in this House for venturing to express my appreciation of the helpful way in which I had been met by His Excellency the Commander-in-Chief and his principal staff officers. I am as little anxious as any Member of a Government could be to expose gratuitous targets for attack, but I should fail in my duty and I might even say in all sense of decency, if I did not take this occasion to express publicly what I feel about the way in which the Army authorities have helped in the past months. I am sure the members of the Army Retrenchment Sub-Committee who are present here to-day will not quarrel with me when I say that they have been impressed with both the efficiency and helpfulness of the Chief Staff officers whom they have seen. To unofficial Members of this House the Army has hitherto been a closed book. It has been fully opened now at least to the members who have been on the Retrenchment Committee. I think that they have been impressed by what they have read in it, and that discussions on the Army will hereafter be conducted in a clearer atmosphere and with better understanding on both sides.

The military authorities have been working throughout in very close touch with their Retrenchment Sub-Committee, and have been examining all possible methods of economy. The great majority of the measures

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proposed by the Committee have been accepted in principle ; indeed many of them had already been initiated by the military authorities. We have given His Excellency the Commander-in-Chief a free hand as to the methods by which retrenchment should be effected with the minimum loss of efficiency. The Army Retrenchment Committee has not yet explored all parts of the field and estimates have had to be included for the savings here. There is therefore possibly some room for further improvement while some of the measures recommended may lead to greater reductions in future years. For the present the Army authorities guarantee for next year a net reduction of  $4\frac{1}{2}$  crores. These reductions, therefore, for which we hope, will produce a net defence budget for 1932-33 of Rs. 47.40 crores, as compared with Rs. 51.90 in the current year, and with the stabilised budget figure, of Rs. 55 crores two years ago.

In mentioning this figure, I must make it clear that :

- (a) It includes a reduction of Rs. 1.75 crores of non-recurring expenditure on the special programme of re-equipment which, though very necessary and important from the point of view of efficiency, His Excellency the Commander-in-Chief has, in view of the present financial crisis, agreed to postpone.
- (b) It does not include any allowance for cuts in officers' pay. I shall deal with the possibilities from this separately.
- (c) It does not include any savings which may accrue from reduction of troops, except that of a small reduction on the Frontier.

In accordance with resolutions of the Round Table Conference, the question of the future strength of the Army in India is under examination by the Committee of Imperial Defence.

What this really amounts to is that in 2 years without impairing the strength of the fighting forces without taking into account the possibilities of a temporary cut in officers' pay, Army expenditure will have been reduced from 55 crores to 47.40 crores. This, Sir, is I submit no mean achievement ; it has been done quietly, and without the imposition or display of Royal Commissions. It has been achieved by hard patient work and co-operation between the Army Department, the Finance Department and the chosen representatives of this Assembly. That, I submit, is the right way to work out economies, and brings credit on all concerned.

*Emergency cuts in pay.*—I now come to the difficult question of an emergency cut in pay. Let me state at the outset the general conclusions reached by the Government as part of the plan which I am now presenting.

These are :

First, that any cut applied must be general and on a fair basis.

Secondly, that it should be of a temporary nature not extended beyond the need of the present exceptional emergency. Its justification is in the need for a common sacrifice in a national emergency. Although it may be said that the subordinate ranks have gained from the low level of prices, there is as yet no proof of a substantial fall in the cost of living of many classes of Government servants.

Thirdly, that it should not in any way affect pension or provident fund rights.

We have given a great deal of thought to the way in which a cut should be applied, and after the most searching consideration of all sorts of graduated scales we have come to the following conclusions.

We think, first, that a simple plan is best, and that although it may be necessary to exempt pay below a certain low limit at the bottom, a uniform scale is really the fairest and best in the public interest.

We consider that the rate should not exceed 10 per cent. in any individual case, and that, as I shall explain later, this should include the enhancement of income-tax now proposed. For the general Government services we think that the limit of exemption should ordinarily be about Rs. 40—perhaps a bit higher, perhaps a bit lower. I ought, however, to mention that special considerations may have to be applied to a great commercial undertaking like the Railways, but the maximum will not be exceeded in any case.

I may, however, here interpose that I am pleased to be able to say that His Excellency the Viceroy has decided that he will impose upon himself a cut of 20 per cent. (Applause) and that for ourselves, the members of his Council, we will surrender 15 per cent. of our pay. (Applause.)

The action to be taken by Provincial Governments in regard to officers within their rule-making powers will be for their own decision, but we have little doubt that they will recognise the desirability of attaining throughout India as large a measure of uniformity as possible. In this connection I may mention that uniformity is particularly desirable in the police service, and since Local Governments are far more concerned in this matter than the Central Government, we shall not reach final conclusions in this case until after further consultation with them.

I must also refer to the fact that it does not lie within the power of the Government of India to take decisions as regards all the officers within its service. Certain officers have been guaranteed their rights under the Government of India Act and these cannot be altered without legislation in the British Parliament. As regards other officers, their position is governed by Fundamental Rule 23, and can only be altered under rules made by the proper authorities. For the great bulk of officers, the rule-making power now lies with the Government of India and Local Governments, subject to the sanction of the Secretary of State in Council. There are certain officers, however, in regard to whom the Secretary of State in Council has himself to make the rules. The position is, that we have received the assurance of the Secretary of State that he will sanction the rules which we, or Provincial Governments, may make in those cases where we or they have the power. Further, in regard to officers protected by the Government of India Act, or in regard to whom the Secretary of State has himself to make rules, I am authorised to say that His Majesty's Government are satisfied that a financial necessity exists amounting to a national emergency, which requires that a reduction should be made in pay, and that His Majesty's Government have undertaken to introduce legislation in Parliament at the first practicable opportunity. The legislation would be of an emergency character, and would authorise the Secretary of State in Council to reduce the salaries of officers protected under the Government of India Act for a limited period and subject to a maximum of 10 per cent. which would be inclusive of the enhancement of income-tax contained in my present financial proposals and subject to a discretionary power for the Secretary of State in Council to make exceptions



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in cases of hardship. It would apply to the special class of protected officers serving under Local Governments as well as under the Government of India Act. Officers not specifically protected by the Government of India Act, but in regard to whom the Secretary of State has himself to make rules, would be treated on the same lines as the protected officers.

This is a general description of our plan, and we shall explain our proposals in greater detail at a later stage in the discussions on the Finance Bill—particularly as regards the exemptions which may be made in the lowest grades.

We think that it should be practicable to impose the cuts from December 1st next. It must be clearly explained that there is no intention that they should remain operative beyond March 31, 1933. They will not be continued beyond that date without further examination of economic conditions; and if economic conditions so required or permitted, we should re-consider them before that date.

And that brings me to a point of essential importance in this matter. A cut of this nature must be regarded as a very exceptional measure which can only be justified in very exceptional circumstances. It is nothing less than a direct variation of the conditions under which an officer enters the Government service, and it must be remembered that the security of these conditions represents an essential attraction of service under a government. It would be fatal to the public interest if that sense of security were destroyed. Therefore no variation can be justified except in a real national emergency and when it is quite clear that all other measures have been fully tried. Even so it is necessary to examine the case still further. We must test the emergency by an examination of the causes which have created it. In the present case it was clear that the emergency had arisen from an unprecedented fall in prices of those commodities which India produces and on which the revenue of the country depends. The value of commodities had fallen too low in terms of money, the value of money had gone up too high. But in the last days a change has been made in the basis on which the value of our money, or our unit of currency, depends. The results of this, or of any general economic recovery producing an improvement in the revenue position, may make it necessary to reconsider the justification and necessity for this cut. It is of course clear that a general decline in the gold value of the rupee would affect all servants of Government alike, while I might further mention incidentally that if, on the other hand, the rupee had been detached from sterling and the value of the rupee had either appreciated or declined in relation to sterling, there would have been some difference in the case of certain classes of officers of which Government would have had to take account.

However that may be, or might have been, what I have to say now is that in the conditions on which we have to base our present estimates, we and His Majesty's Government consider an emergency cut on the lines already indicated to be absolutely essential.

As regards the financial effect of cuts on the scale which we propose, I have estimated the position roughly as follows for the purpose of my present financial plan.

Civil.—We put the total saving for 1932-33 at 115 lakhs, and for the four months from December 1st of the current year at 35 lakhs. This includes savings on the personnel of the Posts and Telegraphs Department.

*Railways.*—The saving on Railways will be very substantial. I refrain from giving an exact figure pending the final settlement of a plan. In any case it will not directly affect my present proposals, for we consider that any saving effected by a cut in pay on the Railways must be utilised to improve their own internal position, and that it cannot be translated into any improvement of general revenues. As I have already stated, a cut in fact will only be justifiable during the continuance of the present emergency, and during such period we cannot in any case rely on receiving any general contribution from the Railways. It is in our opinion essential that if they have any margin it should be made available for reduction in freights on agricultural products.

*Army.*—As regards Army officers, the same cut would apply to them as to Civil officers of the Government. We estimate a saving of 75 lakhs in 1932-33 and 25 lakhs for the four months of the current year from December 1st. I may note that if this saving is effected it will reduce the expenditure of the Army next year to 46.65 crores.

*Abolition of Salt Credit System.*—I have now dealt with the first two lines of action, first, General Retrenchment, secondly, cuts in pay; and before I come to the third—which is new taxation—I have to mention another measure which is in the nature of an expedient to improve our revenue position over the next 18 months.

We have been studying since the end of the last Budget session the possibility of effecting an immediate increase in our salt revenue by reducing or abolishing the credit system. After careful examination of the question in consultation with the officers of the Salt Department, we came to the conclusion that, subject to giving fair notice to trade, we might justifiably terminate credits altogether. We have accordingly notified the gradual termination of the system by limiting credits to 3 months as from the 1st October 1931, and discontinuing the grant of new credits altogether from the 1st March 1932. This means that we shall actually collect in the current year and again in next year 15 instead of 12 months' revenue on all salt issued under the credit system. I expect our revenue will be increased by one crore each year on this account. This of course involves no real increase either in taxation or revenue. It only means that we shall, during the next 18 months collect 24 months' revenue on credit salt. After that we shall be entirely on a cash basis.

*Taxation.*—I must now turn to the third measure—new taxation. Here our plan is very simple, and though unpleasant, I hope that Honourable Members will on the whole recognise it as fair.

*General Surcharge.*—The main plank of our proposals is to put a temporary surcharge on all existing taxes, with the exception of customs export duties, for these could not without detriment to our export trade be included. With this exception, the surcharge will apply to all customs and excise duties (including salt) and to the income-tax and supertax. The surcharge which we propose is 25 per cent. on the existing rates in each case.

The principle is uniform, but as regards the income-tax there is an administrative difficulty inasmuch as the tax, although only imposed as from October 1st, has to be collected on a 12 months' basis. It would lead to great hardship in case of salaries or other income taxed at the source if we were to supplement deductions already made by a retrospective increase

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at the full rate of 25 per cent. Therefore we propose that the surcharge for the current year should be 12½ per cent. on income-tax, but it will be collected at this rate on the whole year's income.

*New Taxes.*—Apart from these general surcharges, we are forced to include certain new taxes. As regards income-tax, we consider that in this emergency there is justification for reducing the exemption limit and imposing a small tax of 4 pies in the rupee on incomes between Rs. 1,000 and Rs. 2,000 per annum. For the same reasons as I have explained already in connection with the surcharge on the existing income-tax, the rate will be imposed at 2 pies for the current year and 4 pies for next year.

The remaining special increases or new taxes which we propose are in regard to import duties. I will deal first with the increases in existing duties.

We propose to increase the import duty on artificial silk piecegoods from 20 to 40 per cent. and on artificial silk yarn from 10 per cent. to 15 per cent. We also propose to increase the duty on brown sugar from Rs. 6-12-0 to Rs. 7-4-0 per cwt. This follows the Tariff Board's recommendation. As regards boots and shoes, we propose that there should be imposed as an alternative to the 20 per cent. duty a minimum of 4 annas per pair. The duty will thus be 20 per cent. or 4 annas a pair whichever is the higher. We also propose to increase the duty on camphor and on electric bulbs from 20 to 40 per cent. As regards all these articles the surcharge will be levied on the increased duty.

Then there are three items formerly on the free list on which we think it justifiable to impose a small duty on revenue grounds. The result of the surcharges imposed in last Budget and proposed now is that the level of the general revenue tariff has been increased from 15 to 25 per cent. There is, therefore, some justification for adding a 10 per cent. duty to articles hitherto free.

We propose to put duties of 10 per cent. on machinery and dyes, and of ½ anna per lb. on raw cotton. I must expect criticism of these duties especially from the cotton mills, and I must acknowledge that their imposition may appear to be in some ways inconsistent with previous policy. The justification must be the need for revenue, while as regards the cotton mills we may claim that on balance their position will be improved by our surcharge proposals, for under these the import duties on cotton piecegoods will be increased by one quarter. This more than offsets the burden of ½ anna per lb. on goods made from imported cotton, and affords an effective answer to possible criticisms on the grounds to which I have referred.

I have one more word to say as regards the income-tax proposals. In considering the cut to be applied to the salaries of Government officials we considered what total reduction of their emoluments could fairly be imposed. If the general rate of reduction is to be 10 per cent., that represents what we think fair, and if further increases of income-tax were to be added, that would go beyond the reasonable limit. We therefore propose that increases of income-tax, both by way of surcharge on existing rates or by way of imposition of a tax for the first time on salaries from Rs. 1,000 to Rs. 2,000 should be merged in any general cut which we are imposing or which the Provincial Governments may impose.

*Postal rates.*—Apart from measures of taxation we propose some enhancement of the inland postal rates, namely to increase the existing rates in respect of letters and postcards by one-half. That is, the rates for inland postal letters will be  $1\frac{1}{2}$  annas instead of 1 anna (Laughter) and for postcards 9 pies instead of 6 pies. This enhancement should produce 73 lakhs in a full year and should go a long way to cover the deficit of 92 lakhs in the working results of the department which would, as I stated before, be left even if the recommendations of the Posts and Telegraphs Accounts Enquiry Committee are accepted.

*Summary of the plans.*

I may now summarise the effects of all these plans :

For the current year we shall improve the position as follows :

(Figures in lakhs of rupees.)			
Special retrenchment programme	..	30	
Cuts in pay—Civil	..	35	
Military	..	25	
Total cuts and retrenchment	..		90
Anticipation of salt revenue	..	..	100
Extra taxation—			
Customs—New or increased duties	..	154	
Surcharges on existing taxes		331	
Salt—Surcharge	..	21	
Income-tax nett	..	205	
Total new taxation	..		711
Increased Post and Telegraph charges	..		37
The total improvement is thus	..		938
Against an estimated deficit of	..		19,55
We should thus close the year with a deficit of	..	..	10,17

On the other hand, in 1932-33 we should have the following improvements :

Retrenchment measures—Civil	..	250	
Military	..	450	
Cuts in pay—Civil	..	115	
Military	..	75	
Total cuts and retrenchment	..		890
Anticipation of salt revenue	..	..	100
Extra taxation—			
Customs—New or increased duties	..	310	
Surcharges on existing taxes		662	
Salt—surcharge	..	85	
Income-tax—nett	..	353	14,10
Increased Post and Telegraph charges	..		73
The total improvement is thus	..		24,73
Against an estimated deficit of	..		19,50
We should thus close the year with a surplus of	..	..	5,23

[Sir George Schuster.]

We should thus close the current year with a deficit of 10.17 and the next year with a surplus of 5.23.

That is to say, the combined result of the two years will be a deficit of 4.94.

We consider that we are justified in regarding this deficit as covered by making during this period of exceptional stress a reduction of about 247 in each year from the provision for Reduction or Avoidance of Debt. Even after making this deduction, this provision will amount to 4.43 in the current year and about 4.68 in 1932-33. When it is remembered that the portion of our debt which is not covered by productive assets or cash balances is no more than 194 crores this may fairly be claimed as an adequate Sinking Fund allocation during a period of exceptional depression.

But I may put the position in another way which throws up in a still more favourable light what we are proposing. I have explained that on present estimates the combined deficit for the two years is just over 39.05 crores. We may fairly say that half the current year's deficit has already been incurred—say about 9.80 crores. If we look at our task as one of having to make a new budget for 18 months, starting with October 1st, we should have to find means for filling a gap of 29.25 crores. We are actually providing for finding improvements of 34.11 crores over the next 18 months. Therefore we are not only providing a balance for that period, but we should have a surplus of 4.86 crores towards making up the deficit of 9.80 crores on the first half of the current year.

If these forecasts are fulfilled, then even if there is no improvement in the economic position, the Finance Member, when he presents the Budget for 1933-34, will find himself in possession of a surplus of 5.23 crores and he will be able to make a substantial easing of the burdens.

It is perhaps forecasting events too much to say in what order these reductions should be made. But there are certain principles which we consider must be observed. Relief must come first in restoring the emergency cuts in pay and secondly in taking off the surcharge on the income-tax now to be imposed. I think we may predict with as much certainty as is possible for any such forecasts that these special impositions will not in any case be extended beyond March 31, 1933.

This is the picture, but I must add a few words before I leave it. Much will be said about the increase in the burdens of taxation. But I want the public to appreciate that we are not so much increasing the total amounts of taxes levied as providing by increasing the rates for collecting the same amount of revenue.

Our difficulties have not in any way been caused by an increase in expenditure. Quite the contrary. We have in fact to face three things—a drop in the yield of the current taxes, a drop in the revenues from commercial departments, and a deterioration under the Finance headings. The first we meet mainly by increasing the rates of the taxes; and the last two by retrenchments. I want Honourable Members to give particular attention to a table which I will circulate with copies of my speech in which I analyse expenditure and revenue and show in parallel columns tax revenue and net administrative expenditure. By the latter I mean the net

expenditure on the Army and all other heads charged to revenue with the exception of the debt services. They will find here the true record of our achievements and proposals. This figure of net administrative expenditure will, according to our plans, have proceeded as follows :

(Figures in crores of rupees.)

1930-31	..	..	..	79.67
1931-32	..	..	..	74.66
1932-33	..	..	..	65.95

If this can really be achieved, then we shall be able to congratulate ourselves on having put matters on a really sound basis.

### Conclusion.

Then I want to add something as to the reasons for the present measures. I referred at the outset of my speech to the dangers, now that we are divorced from a gold standard, of any inflationary action for the purposes of meeting the current expenditure of the Government. If once that process starts, it may be impossible to save the country from a complete collapse of its currency. That has been the experience of all countries whose currencies collapsed after the War. They all went through the same process. Budgetary deficits, met first by borrowing ; then a reluctance of the public to subscribe to government loans or treasury bills ; then recourse to the note-printing press and inflation to provide funds to meet current public expenditure ; then collapse in confidence in the currency, notes printed faster and faster until the amounts reached astronomical figures, and finally the complete disappearance of any value to the currency at all. *We want to erect a solid barrier against the possibility of India getting on to that slippery slope.* That is the essential justification for our proposals. We have heard much talk in the last days about the disappearance of our currency reserves. But no currency reserve can be large enough to stand up against a lack of confidence in the currency. Reserves are only valuable to tide over temporary difficulties. The real safeguard must be confidence in the soundness of a country's financial situation. If a country meets current expenditure with current revenue, and if, further, it has a favourable balance of trade, then it can face all the vicissitudes of fortune with confidence, and its actual currency reserves are of minor importance.

That brings me to the last thing which I have to say to-day. I know that our proposals of taxation will be criticised. But I will appeal to all critics, either in this House or outside it, not to criticise them hastily or unfairly. We believe that we are doing the right thing for India—that in these critical times, and looking to the years before us, when we have to meet heavy loan maturities both external and internal, the matter of vital importance is to preserve the trust of the public of India and elsewhere in the soundness of our financial position. Let honourable members, by all means, examine our proposals with searching criticism, but I would appeal to them, with all the emphasis which I can command, to do or say nothing which will lead the outside world to suppose that they have not a full sense of their responsibility, or that they do not believe that the paramount duty of every man, who has India's interest at heart, and who can in any way influence the situation, is to preserve intact that financial

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stability on which the whole fabric of the country's life depends.  
(Applause.)

### THE INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) BILL.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I move for leave to introduce a Bill to supplement the Indian Finance Act, 1931, and to extend the operation of its temporary provisions.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am sure that every part of this House will offer its respectful thanks to His Excellency the Viceroy for setting a noble example of surrendering 20 per cent. of his salary. (Applause.) I wish that that good example had been followed by his Councillors and the members of the superior services. Then they would have followed the precedent of their mother country. (Hear, hear.) But they have not done so.

Sir, I do not propose to deliver a long speech on this occasion, because my heart is full and I am sure that every Member who has his duty to perform towards his constituents must feel staggered at the Budget proposals of the Honourable the Finance Member. We had suspected that something untoward was going to be proposed to-day, but no one had any conception of the thorough-going plunder—I cannot use any milder expression—of the poor man's money, of the man who sends his postcards and his letters, and of the poor clerk who lives on the verge of starvation. They have been taxed and surcharged in taxes and increases in the rates of postage.

If the Honourable the Finance Member was faced with a difficulty, he was not faced with a difficulty only this year. He was faced with a similar difficulty two years back when he increased the taxes of this country to the tune of Rs. 5½ crores. We then told him, Honourable Members will remember, that it was time that he set his house in order. Last year again, when there was a deficit of over Rs. 15 crores, we reminded him that he could not expect this House to give him the support he needed for additional taxation unless the whole of the national expenditure was overhauled. Sir, that proposal of ours was not given that earnest consideration which would have resulted in substantial economies. It is not for me or for the Members of this House to criticise the premature proposal as regards the possible economies to be effected in national expenditure. The Honourable the Finance Member has himself pointed out that his estimate of retrenchments is only an estimate, whereas his proposals for further taxation are a dead certainty.

Sir, I should have expected, that, following the precedent of the House of Commons and of His Majesty's Government in England, he would have first completed a survey of the various Departments with a view to effect retrenchments and laid upon the table of this House his concrete proposals as to the extent and measure of retrenchments

effected in the civil and military expenditure of the country. But he has not done so. As I pointed out this morning, the Government of India, willingly or unwillingly, have embarked upon a new currency policy, and the Honourable the Finance Member assured this House that the result of that new currency policy would be to improve the trade and the financial resources of the country. Well, Sir, if that be so, I submit that this is an extremely inopportune time to embark upon a financial statement not only covering the rest of the present financial year but also the next year 1932-33. Sir, when we came here we came here to transact the ordinary routine business which is generally transacted in the short Autumn Session in Simla, we had not the slightest idea that we should be presented with a Budget for the next 18 months, and still less had we any idea that that Budget would disclose such a ghastly condition of the Indian finances, of which the greatest pessimist in this House had no conception. The Finance Member has congratulated the military authorities upon consenting to small cuts resulting in economy to the extent of  $4\frac{1}{2}$  crores of rupees. Honourable Members on this side of the House have cried themselves hoarse in saying that these small cuts are not what the representatives of the people demand. We want a complete reversal of the military policy of the Government of India. We know, Sir, to what extent we have the sympathy of the members of the Government of India and we know that our difficulties are not here, but from a country overseas, and we therefore feel that we should be guilty of a grave dereliction of duty if we did not recall that fact once more today. We expect that by the reduction of the white troops and by other economies in the military expenditure of this country, there should be a saving of at least 10 crores of rupees in the Military Budget. Sir, the Geddes Committee made percentage cuts and we want that the civil expenditure of the Government of India should be similarly subjected to all round cuts.

The Finance Member has referred to the *ad interim* reports of the various committees. We are not here concerned with the details of the cuts. Last year we suggested that there should be an all-round ten per cent. cut in the civil expenditure of the Government of India, and we suggested that whatever might be the details of the various cuts effected in the civil and military expenditure of the Government of India, they should be sufficient to balance the Budget in the ensuing year, which would be the case if the Government of India seriously tackled the military problem and made the cuts in the civil expenditure. I therefore submit that the present time is premature and inopportune for the levying of additional taxation. We gave this morning a preliminary warning to the Government of India to hold their hand till the Delhi Session, either in November or February or March, but the Government of India took no heed. The Finance Member has referred to my friend Mr. Shanmukham Chetty's Resolution on this subject. Sir, that Resolution is my completest vindication for opposing leave to the Honourable the Finance Member. That Resolution passed by a telling majority in this House asked the Government to formulate no proposals involving additional taxation during the Simla Session. They have flouted the considered opinion of this House and, out of self-respect, I ask every elected Member in this House to vote for refusing leave to the Honourable the Finance Member.



**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Having heard the statement made by the Honourable the Finance Member, I must confess that it is almost impossible for us to know where we stand. We all expected that the statement that he was going to make was not likely to cheer us, but we did not expect that it was going to be as dismal as it has proved to be. The whole procedure adopted by the Government on this occasion is, I submit, entirely wrong. The Government had no business to introduce a Budget statement for 18 months at this Simla Session. This is taking us at a great disadvantage. Government know fully well that the attendance on this side of the House for various reasons is not by any means complete and for them to have put forward serious proposals of this character when attendance is by no means full is neither fair nor justified. One would have thought that the taxation that had been already imposed upon the country was sufficiently heavy, but the new proposals for additional taxation are something which it was impossible to anticipate would be put forward by the Finance Member. In the Delhi Session we on this side of the House made it perfectly clear that we would not listen to any further proposals for taxation until every avenue had been explored for all possible retrenchment of the expenditure of Government of India, and we wish to stick to our Resolution. We pointed out then that so far as the military expenditure was concerned, it should be considerably reduced in order to help the Finance Member to balance his Budget. I am afraid that, in spite of the help that His Excellency the Commander-in-Chief has been able to give, the proposal for reducing the military expenditure by only 4½ crores does not satisfy this side of the House at all. It is clear to every one of us on this side of the House that India cannot bear the burden of a standing army of this magnitude at all and we are also convinced that there is no justification for maintaining such a huge army. There have been some reductions made by the Army Retrenchment Committee, but even they have not been able to explore all available means for effecting economies in military expenditure. They have not had the time. Not only that. The terms of their reference were so restricted that it was not possible for them to do what is just and fair to the country.

Sir, take another instance, the other Sub-Committee of which I have the honour of being the Chairman, the General Purposes Retrenchment Sub-Committee. We have dealt with only a few subjects, and more than half still remain. We have been able to make proposals for economy to the extent of Rs. 1,21,00,000 already ; and I am surprised that the Honourable the Finance Member tells us, that as regards the remaining grants, he is able to estimate a further economy of only about 70 lakhs. Sir, I venture to think having gone a great deal into the matter, that much greater economy should be possible in the remaining Demands,—much greater than has been estimated by the Honourable the Finance Member. Lastly, Sir, from the very beginning our Sub-Committee was apprehensive that so far as what the Finance Member calls the administrative Departments are concerned, they would not be treated on the same basis as the other Departments which we were asked at first to scrutinise. I am conscious, that the Honourable the Finance Member has stated that if we are able to effect further economies, he will have no hesitation in accepting them. If so, what then is the good, when these Retrenchment Committees have not been able to complete their inquiries, of his saying that he is not in a position to make a fair estimate of what it is possible to effect by way of

economy in the expenditure of the Government of India ? Sir, he has now proposed taxation of a most drastic character affecting every article of necessity, affecting the poor man still more perhaps than the richer classes. He has estimated certain receipts. But he knows that his estimates on the previous occasion have not been justified at all,—they have not been realized. What reason has he to think that his present expectations will be realized ? I submit that he is making guesses, and this is not the time, this is not the occasion, howsoever he may feel compelled by the necessities of the financial situation, to bring forward proposals of a drastic, nay, disastrous character. Sir, we will all oppose leave being granted to introduce this Finance Bill.

**Mr. Arthur Moore** (Bengal : European) : Sir, I can quite understand that the very unpalatable announcements which we have had to listen to this afternoon should produce a shriek of pain from my Honourable friend Sir Hari Singh Gour. Nevertheless, notwithstanding what has fallen from my Honourable friend, it is perfectly obvious to all of us that these very important announcements do deserve our most serious consideration. None of us would like at the present stage—while we are ready to give every undertaking and to do everything we can to assist Government in this emergency—to commit ourselves to all these proposals in detail. But, Sir, that is a totally different thing from the proposition put forward by the Leader of the Opposition,—that we should refuse introduction to the Finance Bill in a great national emergency. (*Voices* : “ Louder, please ”.) (*Mr. C. S. Ranga Iyer* : “ We have not so far followed you ”.) Has my Honourable friend thought of the effect upon the world, and on the constitutional prospects for India if, in this great national emergency, this House rejects an emergency Finance Bill out of hand, without proceeding to discuss it ? Sir, my Honourable friend compared the procedure here with the procedure in England. I understood him first to say that the Government were not following the excellent example which H. E. the Viceroy had set us and also the example which had been set at home. Well, I did gather that the Members of Government were imposing a heavy cut upon themselves and were proposing a heavy cut upon all servants of Government. But he went on to say that the Government in England, in the similar emergency which is confronting them as it is confronting most Governments, had acted in a totally different manner,—that they first put forward their retrenchment proposals, and only afterwards their taxation proposals. But my Honourable friend is entirely misinformed. Parliament was hastily summoned during the recess, and the Government put before Parliament, when it met, both their economy proposals and their taxation proposals ; therefore I cannot say that he has made out his case. But now I would draw attention to the very astonishing difference, which will strike the whole world, between the attitude of the British Parliament in that emergency and the attitude that the Leader of the Opposition invites this Assembly to adopt in the present emergency ; and I would warn my Honourable friends opposite that if they were to follow my Honourable friend's suggestion and, without further discussion, refuse the introduction of this Bill, it would produce most disastrous repercussions not merely in England, but in America and Europe as regards the reputation of this Assembly. (*Ironical Cheers and Laughter from the Non-Official Benches.*) (*Mr. Lalchand Navalrai* : “ Who told the Honourable Member that ? ”) (*Mr. B. Das* : “ A nightmare ! Our reputation will be quite safe ! ”)

**Mr. President :** Order, order.

**Mr. Arthur Moore :** My Honourable friends may laugh.

**Mr. B. Das :** We laugh at our exploitation by you !

**Mr. President :** Order, order. Mr. Moore, please go on.

**Mr. Arthur Moore :** Members opposite may laugh, but I warn them that if they were to succeed in persuading the House to adopt the course advocated by the Honourable the Leader of the Opposition, they would have reason very seriously to regret the decision at a later date when the new constitution was being discussed, and it could be said that, in this tremendous national emergency, the House had, out of hand, refused supply. (Loud Applause.)

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, I join other Honourable Members in congratulating H. E. the Viceroy on surrendering 20 per cent. of his salary, and I also congratulate the Members of his Executive Council on their surrendering 15 per cent. of their salary.

**Mr. B. Das :** What were your recommendations ? 20 per cent. !

**Mr. Muhammad Yamin Khan :** But, Sir, after listening to the decision Government have reached as far as retrenchment is concerned, as announced by the Honourable the Finance Member, I have been a little bit disappointed. I think, Sir, that the retrenchment which has been decided upon by the Government goes far below the retrenchment which had been suggested by the main Retrenchment Committee. I think, Sir, under the present circumstances and under the conditions which have been disclosed to-day in this House by the Honourable the Finance Member, it was Government's duty to adopt at least the moderate retrenchment which had been proposed by the General Retrenchment Committee unanimously. Any retrenchment below that will never be acceptable to this House. If those suggestions cannot be accepted by the Government in these circumstances, then Government can never accept the recommendations of the Committee which they themselves have formed. The proposal for the appointment of the Committee and the names of the members appointed came up from the Honourable the Finance Member himself, and he ought to stick to the retrenchment which had been proposed by the same persons who had been appointed by him. Beyond that, the Assembly will be willing to consider other proposals. I am fully alive to my responsibility, and I shall be quite willing to lend all my support provided Government are willing to accept the recommendations which are unanimously proposed by the Retrenchment Committee.

There are some proposals which have caused me some surprise, and I think all the avenues have not been explored. I am not going into the details of those proposals which are contained in the speech of my Honourable friend the Finance Member, but I think there are several of them which we cannot accept. In any case I must make my position clear that I am not going to be led by mere sentiment into opposing even the introduction of this Bill at this time or refusing to consider this question at this time of national emergency. We are ready to consider it, but we will examine each and every proposal on its own merits and we will see whether anything can be accepted on behalf of the people or not. Therefore we will not oppose the introduction, as I understand that the consideration

of this Bill is going to take place after about a month and half, some time in November, in Delhi. That has not been made clear, but if that is so, we will not oppose the introduction.

**The Honourable Sir George Schuster :** Sir, I might start by replying to the observation which was made by my Honourable friend Mr. Yamin Khan. It is our intention to meet as far as possible the convenience of the Legislature in arranging for the further discussion of this measure. We understood that it would be for the convenience of the majority of Honourable Members if further discussions in Simla were postponed and if the discussions were resumed in Delhi at the beginning of November. I think my Honourable friend who spoke last has carried matters rather too far in suggesting an interval of a month and a half. I hope he did not mean to suggest that it should be as long as that. I think that it ought to take place at the very beginning of November at the latest.

**Mr. Lalchand Navalrai :** But there are holidays in the first week of November.

**The Honourable Sir George Schuster :** I am not attempting to speak with any great accuracy. I quite realise that there may be events from day to day of which account has to be taken. But I am suggesting that we shall not have adequate time unless we recommence discussion at the beginning of November or near that date.

**Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) :** For many Honourable Members the beginning of November will not be suitable and the middle of that month will be the best time.

**The Honourable Sir George Schuster :** I shall be very glad to see my Honourable friend afterwards, if he has anything to say.

Before I attempt any sort of reply on the general theme which has been taken up by the speakers on the Opposition, I should like to clear up what appears to be a very great misunderstanding as regards our attitude towards retrenchment. I thought that I had made it abundantly clear that we had decided to give full effect to the retrenchment proposals. I always speak with studied caution ; I never wish to say anything that I do not know that I am perfectly capable of fulfilling, and I therefore added reservations to the effect that we could not commit ourselves now in the advance of detailed examination to accept every single item of the recommendations of the Committee in the terms in which they were made. I think all Honourable Members must appreciate that that is a reasonable attitude to adopt. They themselves in many cases have not been in full agreement about their recommendations. They themselves have made it clear to me, certainly many times in conversation, that it was not within their knowledge exactly how certain things would work out on the administrative side. We retain responsibility for that, and we must reserve to ourselves the right to examine these proposals. Having said that I want to say again—I thought I said that with sufficient emphasis before—that it is our intention to accept in the main all the proposals which have been made.

Then, Sir, I was criticised by my Honourable friend the Leader of the Independent Party, whose work I most gratefully acknowledge as Chairman of the most arduous and troublesome of all the sub-committees, for not having included a sufficiently large estimate for the possible economies in that part of the field which his sub-committee has not been able to

[Sir George Schuster.]

examine. If he is right, no one will be better pleased than I. I trust that he will get down to work with his committee in October and will present us with his final recommendations before the end of October, in which case I shall be able to stand up in this House when we resume the discussion of the Finance Bill and be able to tell the House that I have underestimated the economies possible in the remainder of the field and that therefore it is in some degree possible for us to modify our plans. If my Honourable friend is able to put me in that position, no one will be better pleased than I. I thought I had made it abundantly clear that we are waiting for his further recommendations and that we wish to act on those recommendations just as fully as we propose to act on those we have already received.

Sir, as regards the main case, it is very difficult for me to enter into a long argument now and I am sure Honourable Members will not expect it. I have stated my case as fully, as clearly and as honestly as I could. I quite sympathise with the feelings of Honourable Members opposite. They are faced with an exceedingly unpleasant task. I do not believe that there is a single one of them who is influenced by personal considerations in this matter. They have their responsibilities to their constituents and it is that of which they are thinking now. I would however ask them also to recognise that, however much they hate me or hate my proposals, they cannot hate the task which I have had to perform more than I do myself. Sir, if one sits, as I have often said, in opposition without responsibilities to face, it is an easy task to put upon the shoulders of Government the responsibility for every unpleasant and distressing circumstance that occurs. But surely all Honourable Members must recognise that we, like practically every Government in the world, are now beset by a difficulty over which we have no control. We have done exactly what the British Government did. What did they do? They did not give the Houses of Parliament any warning. They had to summon them hastily together to meet an emergency just in the manner in which we have dealt with the present emergency here. They had to call Members back just at the time when, for a short period of the year, they are ordinarily taking their holidays, for meeting the emergency. They knew that in a case of national emergency personal convenience could not be taken into account. I do appeal to all Honourable Members, although they often take the view that they and we are irresponsible in dealing with national interests, I do ask them to take the view that they have a very heavy responsibility now. It is useless to tell us that we ought not to have brought up a measure like this in a session when normally no important business is done. How can we help it? We did not know this emergency was coming in the urgent form in which it has come. Every Government has tried to hold out as long as possible and in the end has had to face it by the sort of measures that we have had to introduce now. I ask Honourable Members to look round and examine the finances of every country in the world to-day, to examine the emergency measures which every other country has had to introduce. In our case, they are, I fully admit, very heavy and very severe. But I would return to the last passage of the speech which I delivered in making my financial statement and ask Honourable Members to give it full and fair consideration and not to jump to hasty criticism, however much force there may be in the case of those who have spoken opposite. Even my Honourable friend, Sir Hari Singh Gour, cannot argue

for a moment that we could possibly have dealt with the present situation more by means of retrenchment. We have 19 crores to find. He says, cut down the Army. Are you going to send every British soldier away from India with six weeks' notice? It is ridiculous to make such suggestions. I ask Honourable Members to face facts. (Hear, hear.) Some Honourable Members laughed when the Leader of the European Group spoke of the impression which would be created abroad. Sir, Honourable Members are now transacting business at a very critical period in India's history. There are many people who are prepared to say, in opposition to those of us who are striving towards constitutional advance—there are many people who are prepared to say, "What is the use of talking of constitutional advance when the representatives of the people behave in so irresponsible a manner?" I ask all Honourable Members to think very carefully of the impression that would be created, if at a time like this, when we are only asking the House to do what every other Government has had to ask its popular Legislature to do, if when you are asked to take action which must be taken if the credit and solvency of the country is to be maintained, if at a time like this, however much you may criticise the details or the form of action which we propose, you take the line that the Government have no right to ask you even to take action of any kind. I ask Honourable Members to think what the impression on others will be, and I—if I may say so—as a well-wisher of India, as one who believes in constitutional advance, I would appeal to you not to make the task of those of us, who are trying to work for India, harder than it is at present. (Applause.)

**Mr. President :** The question which I have now to put is :

"That leave be granted to introduce a Bill to supplement the Indian Finance Act, 1931, and to extend the operation of its temporary provisions."

The Assembly divided :

AYES—57.

Abdul Qaiyum, Nawab Sir Sahibzada.	Ishwarsingji, Nawab Naharsingji.
Ahmed, Mr. K.	Ismail Ali Khan, Kunwar Hajee.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Jawahar Singh, Sardar Bahadur Sardar.
Anklesaria, Mr. N. N.	Knight, Mr. H. F.
Anwar-ul-Azim, Mr. Muhammad.	Lal Chand, Captain R. D.
Azizuddin Ahmad Bilgrami, Qazi.	Lall, Mr. S.
Bajpai, Mr. R. S.	Lench, Mr. F. B.
Banerji, Mr. Rajnarayan.	Montgomery, Mr. H.
Bhargava, Rai Bahadur Pandit T. N.	Moore, Mr. Arthur.
Crerar, The Honourable Sir James.	Morgan, Mr. G.
Dalal, Dr. R. D.	Mujumdar, Sardar G. N.
DeSouza, Dr. F. X.	Mukherjee, Rai Bahadur S. C.
Dyer, Mr. J. F.	Pandit, Rao Bahadur S. R.
Fazli-Husain, The Honourable Khan Bahadur Mian Sir.	Parsons, Mr. A. A. L.
Fox, Mr. H. B.	Rafuddin Ahmad, Khan Bahadur Maulvi.
French, Mr. J. C.	Rainy, The Honourable Sir George.
Graham, Sir Lancelot.	Rajah, Rao Bahadur M. C.
Griffiths, Mr. G. I.	Rama Rao, Rai Bahadur U.
Heathcote, Mr. L. V.	Row, Mr. K. Sanjiva.
Hezlett, Mr. J.	Roy, Mr. S. N.
Howell, Mr. E. B.	Sahi, Mr. Ram Prasad Narayan.
	Sams, Sir Hubert.
	Schuster, The Honourable Sir George.

AYES—*contd.*

Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.

Talib Mehdi Khan, Nawab Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfikar Ali Khan, Sir.

## NOES—43.

Abdoola Haroon, Seth Haji.  
 Abdur Rahim, Sir.  
 Aggarwal, Mr. Jagan Nath.  
 Azhar Ali, Mr. Muhammad.  
 Bhuput Sing, Mr.  
 Chandi Mal Gola, Bhagat.  
 Chetty, Mr. B. K. Shanmukham.  
 Chinoy, Mr. Rahimtoola M.  
 Das, Mr. B.  
 Dudhoria, Mr. Nabakumar Sing.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Harbans Singh Brar, Sirdar.  
 Hari Raj Swarup, Lala.  
 Ibrahim Ali Khan, Lt. Nawab Muham-  
 mad.  
 Jog, Mr. S. G.  
 Kyaw Myint, U  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Maswood Ahmad, Mr. M.  
 Misra, Mr. B. N.

Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Muazzam Sahib Bahadur, Mr. Muham-  
 mad.  
 Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Patil, Rao Bahadur B. L.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Mr. Badri Lal.  
 Reddi, Mr. P. G.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sarda, Rai Sahib Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sohan Singh, Sirdar.  
 Sukhraj Rai, Rai Bahadur.  
 Thampan, Mr. K. P.  
 Tun Aung, U  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

**The Honourable Sir George Schuster :** Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th September, 1931.

## LEGISLATIVE ASSEMBLY.

Wednesday, 30th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### MEMBER SWORN.

Mr. Ramchandra, M.B.E., M.L.A. (Government of India : Nominated Official).

### THE INDIAN PRESS BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move for leave to withdraw the Bill to provide for the better control of the Press. I think Honourable Members are sufficiently aware of the circumstances in which I make this motion. Owing to the unfortunate oversight on the part of the Assembly Department to which you, Sir, referred on Monday, the normal procedure on this Bill, I regret to say much to the inconvenience both of the Government and of the House, has been interrupted. A plan, however, has been devised which I understand commands the general acceptance of the House by which the normal procedure on this Bill can be resumed in substantially the same manner as if this unfortunate dislocation had not taken place. It is in pursuance and in order to give effect to that plan that I move this motion.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What is the procedure which the Honourable Member says commands the general acceptance of the House ?

**The Honourable Sir James Crerar** : The procedure indicated in this motion and in the subsequent motions on the List of Business.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, first of all I must say I support the Honourable the Home Member in his motion for withdrawal of this Bill which provides for the better control of the Press. It seems that nemesis has overtaken this Bill. There are higher powers which the Government of India, the British Government and the Honourable the Home Member cannot control. Here destiny points its finger at the Home Member and tells him that the Bill which he tried to introduce in the last session and which he introduced in a modified form in this session of the Assembly has not the approval even of the gods. Sir, if I support the Home Member in his withdrawal of the Bill, I support him only in that motion. I wish the subsequent motions that he will bring forward had not formed part of the Agenda of this day, because it seems that while we ordinary mortals bow to the gods, Government in their higher wisdom and in their strength of brute force do not think that they have to think of the higher power of gods that point out to Government that such a legislative measure as this should not be brought before this House and passed here. My friend the Home Member pointed out that there is general approval of Members of this



[Mr. B. Das.]

side of the House about certain steps which he will take subsequently after withdrawal of this Bill. Sir, I have no knowledge of it. (*An Honourable Member* : "Nor have we any knowledge of it.") I do not know if my leader had a discussion with the Home Member, but we took no part in it, nor have I attempted to discuss this question with my leader or leaders. Sir, I reserve myself the right to oppose the new Bill in its new form as it has come, and I support the motion for the withdrawal of the Bill.

**The Honourable Sir James Crerar** : I do not think, Sir, that it is necessary for me to follow the Honourable Member opposite in the supernatural speculation on which he desires to base his principal objection to this motion. What I desire to pursue is the plain common sense view of the matter, and that is the convenience of the House and the requirements of the public business.

**Mr. President** : The question which I have to put is :

"That leave be granted to withdraw the Bill to provide for the better control of the Press."

The motion was adopted.

The Bill was, by leave of the Assembly, withdrawn.

#### THE INDIAN PRESS (EMERGENCY POWERS) BILL.

**The Honourable Sir James Crerar** (Home Member) : Sir, I move for leave to introduce a Bill to provide against the publication of matter inciting to or encouraging murder or violence. At this stage, I think it is premature for me to enter upon any discussion of the merits of the Bill. I shall simply say that some very important changes have been made in the new Bill, and I propose to explain a bit more fully the nature of those changes at a later stage.

**Mr. President** : Motion moved :

"That leave be granted to introduce a Bill to provide against the publication of matter inciting to or encouraging murder or violence."

The motion was adopted.

**The Honourable Sir James Crerar** : Sir, I introduce the Bill.

**The Honourable Sir James Crerar** : Sir, I move that the Bill to provide against the publication of matter inciting to or encouraging murder or violence be taken into consideration. I do not think that it is necessary for me to inflict a long speech.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : On a point of order, Sir. I take objection under Standing Order 38, page 27 of the Legislative Manual, which says that no Bill can be taken into consideration without three days' notice, and so I take objection. Standing Order 38, page 112, says :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made",

and so on.

**Mr. President :** I should like to invite the attention of the Honourable Member to the words which come later in the proviso and which run as follows :

“.....and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.”

In this case the Chair has no difficulty in exercising the power of suspension under this Standing Order in respect of the Bill which has now been placed before the House for consideration. This Bill is a copy of the Bill as reported by the Select Committee, and it has been in the hands of Honourable Members for more than a week. The object of this Standing Order is that the House should not be called upon to consider any legislative measure without having had an opportunity of studying it. It is clear that that has been complied with in this case. Honourable Members have had ample opportunity of studying the Bill in the form reported by the Select Committee and the Chair has therefore no hesitation in suspending the Standing Orders and allowing the motion to be made.

**The Honourable Sir James Crerar :** Well, Sir, I shall proceed to point out to the House the more important changes which have been made in the present Bill in so far as important points of principle are involved. I do not wish at this stage, indeed I should not be in order in anticipating a detailed consideration of the Bill.

The first, and I think, on the whole, the most important change is the change made in section 4, which defines the nature of the offending matter with regard to which the other provisions of the Bill are directed. This is a primary provision of the Bill, which operates upon all the other subsidiary provisions. The definition of “offending matter” was I think a point to which a very large part of the criticism of the House was directed at the stage of consideration of the last Bill. It was argued strenuously that the original definition was of too comprehensive and too vague a character. It was argued that, on the basis of a definition of that kind, application to the High Court would tend to a large extent to become illusory. I am not myself prepared to accept those arguments, but nevertheless, we felt that it would be desirable to give a better definition of the nature of the offending matter which we contemplated, so that there can be now no question whatever that applications to the High Court which the Bill provides will be appeals of a perfectly effective character.

Let me recall to the House that the principle of the Bill, on which I do not think there was very much dissent from any part of the House, is to deal with incitements or encouragements to murder or other offences of violence, and also the eulogy of persons guilty or supposed to be guilty of such offences and of the offences themselves. Offending matter of that kind might be in a fictitious disguise, might be disguised in various ways by implication or suggestion. The question was very carefully considered, and the definition, as it now stands, gives substantial effect to the greater part of the criticism directed to the original clause.

I should also point out at this stage that in order to meet the criticism that works of literature or history might conceivably come within the danger of the clause, steps have been taken to meet that criticism. Whether that criticism was really valid or not I am not concerned to say,

[Sir James Crerar.]

but I think that it is perfectly clear that the decision on matters of that kind would be within the discretion of the High Court, and I do not think that any Honourable Member present is prepared to argue that that discretion would not be wisely and properly exercised.

The second amendment of primary importance which the present Bill contains relates to the return of the deposit in the case of new presses and new newspapers after three months if within that period such press or newspaper has not published any offending matter. A good deal of difficulty was expressed with regard to the case of new presses and new newspapers. I think, Sir, that we have gone a very long way to meet that difficulty, because at the end of those three months the press or newspaper comes into the position of being an established press or an established newspaper and proceedings can only be taken against it at that stage in the event of the publication of offending matter, which then becomes open to an application to the High Court for adjudication of the issue involved.

Another amendment of considerable importance is that, while the original measure at that stage required the recording of special reasons for not taking security, the emphasis in the clause has been changed and the Magistrate now will be required to record reasons in writing for requiring deposit of security. At all stages preliminary to this, it is of course the case that there is no provision for an application to the High Court, and the reasons are fully explained in the report of the Select Committee and I need not I think pursue them any further.

Another amendment which has been made in order to minimise the risk of hardship or inconvenience is the grant of ten days for making a fresh deposit subject to certain conditions. Further, a provision in clause 6, which provided in certain circumstances for the forfeiture of a press, has been eliminated, and in its place there have been substituted provisions for taking a fresh security which the original Bill did not allow.

As regards the duration clause, the original clause placed it at three years, and I think myself in all the circumstances of the case that that was a reasonable provision. However, in response to strong representations which have been made on the subject, the potential duration of the Bill has been reduced to two years. Similarly, with regard to the Title and Preamble, regarding which a good deal of comment was made, the criticism which has been passed has I think been fully met. It is true that neither the title nor the preamble are operative clauses of the Bill, but as a certain amount of misapprehension was expressed on the ground that a wider title and a wider preamble might conceivably affect the operation of the Bill, though I do not think myself that there is any substance in that contention, nevertheless, in order to remove any possible misapprehension there might be on the point, the title and the preamble have been very greatly narrowed. A few subsidiary and consequential amendments have also been made which I think I might just briefly notice at this stage.

The deposit of cash or securities of the Government of India is in all cases to be left to the opinion of the depositor. The previous Bill provided for applications to the High Courts in cases of forfeitures. A provision has now been inserted that when the deposit of security has been required because of the publication of offending matter, an application to

the High Court will now be allowed, the ground of course being that in such cases there is definite judiciable matter to go before the High Court. The scope of applications under clause 23 has also been extended to cover cases under clause 12. Lastly, the amount of security originally fixed in clause 3 has been substantially reduced.

These are the most important features of the Bill. I think myself that the Bill as it emerges in its present form will be, as it must be, effective for its purposes. I must remind Honourable Members on that point, because some of the suggestions for amendments before me show some misconception. I must recall to Honourable Members once more that the primary purpose of the Bill is to enable an effective control to be maintained over incitements to and encouragement of murder and other crimes of violence and the like. Its purpose is not penal, and I think that some of the amendments which have been tabled, if I may merely glance at them at this stage, show that there is continued misconception on this point. At the same time, provision has been made to secure complete freedom to all legitimate comment and expression of opinion. Steps have been taken to minimise all risk of hardship or inconvenience to the normal and proper activities of the Press. Perhaps, Sir, I may remind the House of the assurance which I gave at the instance of the Honourable Sir Abdur Rahim that in the further consideration of this Bill Government would not endeavour to raise any technical or academic objections, but that their whole consideration of the matter should be based on a reference to the primary purposes and necessities of the Bill and the measures which were definitely necessary effectively to secure those objects. I trust the House will recognise that in the Bill now before us those assurances have been fully and effectively fulfilled. Sir, I move.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, I would like to ask what is the procedure to be adopted now with regard to the amendments that were given notice of when the Select Committee's report was published. In view of the fact that this Bill has been introduced by the Honourable Member as a new Bill, and in view of your ruling that it will be taken as circulated to Honourable Members, may I request the Chair to give a ruling on the point whether the amendments which have already been given notice of shall be taken into consideration in the course of this discussion.

**Mr. President** : The Chair has decided that, having regard to the special circumstances of the case, all the amendments, of which notice had been previously given, will be allowed to be moved, with such modifications as may be called for.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I move that the Bill be circulated for the purpose of eliciting opinions thereon by the end of December 1931. At the outset I must say that I am not using any obstructionist tactics to delay the passing of a Bill which the Government consider necessary in the interest of the people of this country. At the same time it is necessary to find out what the people at large in the country have to say on the provisions of the Bill. The reason for my motion is this. The Bill that has been introduced is nothing but the so-called majority report of the Select Committee of this House. I say, "so-called majority report", for barring the Mover of the Bill, who is interested, they were equally divided. That being so, I

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think that this is a fit case for a re-trial, because there has been an equal division of opinion, and I trust that no conscientious and intelligent man who has the interest of India at heart will object to such circulation, to ascertain the views of those who will be affected by it. You will see from a perusal of the provisions of the Bill that it not only attempts to gag a certain kind of Press, which according to my friend on the other side is the worst inciter to violence and murder, but also those people who carry on their trade as keepers or owners of presses. In these days there are very few avenues left for our unemployed young men and the question of unemployment is engaging the serious attention both of the people and the Government, and at such a time to put a restraint upon a particular kind of profession which is the profession of the educated middle class, is to put an embargo, to say the least of it, upon the livelihood of the people of this country. In that view of the case I would appeal to the Honourable the Home Member that he should consider whether or not we should have the opinion of the people who are to be affected by it and have the Bill circulated. Now I am even willing to concede that this Bill may be considered along with the Finance Bill which is likely to be taken up within a month or so ; but, in the meantime we should have ample opportunity to get the opinion of the public at large. The Bill, Sir, *as introduced*, has not been before the public for a long time ; it was published only a few days ago, when they came to know that the original Bill was not going to be discussed or passed. That being so, I think it is but right and proper that the Honourable the Home Member should accede to the amendment which I am moving. But if he is not willing to accede to our prayers, I should say, and not demand—we are here not to make any demands because we know a beggar cannot demand anything, and we are virtually in the position of beggars, and we know the absolute helplessness of our position on this side of the House, and the Honourable the Home Member also knows his strength—that being so, would it be too much if I ask him to stay his hand for only a month or so ? Sir, I remember—he will excuse me if I remind him of a certain other incident in his career as Home Member of the Government of India when he introduced a certain other Bill, and when introducing it he gave us to understand that, unless we passed that Bill, immediately the heavens would fall. Sir, somehow or other that Bill was not allowed to be passed and that Bill does not yet disgrace the pages of the Statute-book. Not only months but years have elapsed since then, but the heavens have not fallen, and neither has the earth under our feet given way ! That being so, Sir, I hope he will not use that argument again that, by staying this Bill for a month, the heavens would fall. You know your own strength, you know how to put down disorders, you have an army of Magistrates behind you, who would even, as happened only the other day here, try to suppress our voice here, as one Honourable Member attempted to do by sternly crying out, “ Order, order ”. I see he is laughing. Sir, he may laugh, but we feel all these. So long as these things continue, we are helpless in the midst of the work in which we are engaged. Sir, I do not know whether it will be necessary for me to convince the Honourable the Home Member that, without this Bill, he need have no fears that the administration of the country will not go on quite smoothly, or that law and order cannot be maintained ; but, if it cannot be maintained as the Government seem to suggest, I would ask the Honourable the Home Member to consult his own

Magistrates, among whom there are some who are not unwilling to set men and *goondas* against the people. Sir Lancelot Graham comes from Bombay, and he does not know what a *goonda* is. Sir, we have instances of *goondaism* in several places in Bengal. I will not tire the patience of this House by reciting all those unfortunate happenings in my unfortunate province which led the Poet-laureate of Asia to leave his sick bed to pronounce his verdict upon the incident at Hijli, and I would ask the Honourable the Home Member to peruse his swan-song. Sir, you cannot complain that you have not sufficient powers to maintain law and order for a month or so. If you complain of that, I would say that you are not sincere in your admission. There is the Indian Penal Code, the provisions of which my Honourable friend and those behind him have administered. It is the most all-embracing code of law, which human intellect has ever devised. That being so, being armed with the all-comprehensive Penal Code which is sufficient to maintain peace and tranquillity, do you mean to say that you are unable to maintain law and order? You speak of incitements to murders and incitements to violence. I do not know whether your vision is clouded by all these happenings, or whether you still retain that serenity of intellect which is necessary for a legislator so that you may be able to view things in their proper perspective. Sir, no doubt there have been some violent writings, and in a paper, the editor of which I miss very much at the present moment in the House, which wanted to set the European community and some of our brother Muslims against the entire Hindu population of Chittagong. But in these three tricolour pamphlets—not mind you, tricolour flags which may be a red rag to a Bull—yellow, white and blue, one does not find a single specimen of those nice specimens of writing of a particular member of a particular community who calls himself “Friend of India”. (Here Mr. K. Ahmed made an interruption which was inaudible.) Sir, for the edification of my Honourable friend, the Home Member, I shall only give him one or two lines of those beautiful writings. On the 2nd of August in its editorial, the “Friend of India”, had openly advocated the mobilization of Anglo-Indians and Mussalmans against the Hindus. If you disbelieve this generalization, I can give you a small paragraph :

“So long as loyal Indians and the British are content to pass Resolutions and send deputations, it is clear that they are not likely to produce much effect on His Majesty's Government.”

Sir, has harsher, has harder language ever been used on the platform of the Congress or on the platform of any public meeting than this? I will quote it again :

“So long as loyal Indians and the British are content to pass Resolutions and send deputations, it is clear that they are not likely to produce much effect on His Majesty's Government.”

We remember when the extremist politicians got the upper hand in the politics of our country, they used to ridicule us by saying, “Oh, your Congress is a congress of petitions and prayers. We are not on our knees asking for boons and concessions; we are on our legs demanding our just rights”. Are not the utterances of the Anglo-Indian Press not more an incitement to violence than the language of the extremists with which they used to ridicule and condemn us in those days of the Congress?

[Mr. Amar Nath Dutt.]

"If the King's advisers in London do not know how to deal with the sworn enemies of His Majesty's peace, others will have to get busy. They have got to consider what they can do for the King's India."

The other day I heard here, when a reference was made to Berar, that it is leasehold property. Here it is said "King's India". What is the meaning of that? It is certainly not a zamindari property; and it is the Britishers and not the King who rule over us. Every one on this side will rather be willing to instal King George as the real King of India, who will win our hearts and thereby unite both England and India into those bonds of sincere friendship which is so necessary. But no, our Anglo-Indian friends will not have that for we read in the *Statesman* of the 2nd August:

"They have got to consider what they can do for the King's India if the British in India will not protect the country from anarchy. The army and police are loyal to a man and they certainly cannot be used against loyal Indians or loyal British."

Again further we have in the same paper:

"He believes in the right to kill in self-defence or in defence of others and he believes in the right to use his bodily strength in the same cause."

I am sure my patriotic Muslim friends do not approve of this. I am not aware of a single Muslim in this country who would approve of writings like this. They are patriotic enough not to be tempted by the seductions of an enemy in the guise of a friend. These writings were the worst incitements to violence. I could quote passages and passages, but I do not wish to waste your time; but this is the spirit in which some of our Anglo-Indian friends are writing. Is not this an incitement to violence and have you taken any steps against them? You are silent. Question after question has been asked in this House, but you do not say anything. You say the law is there. We know the law is there but I believe that according to the fundamental principles of British jurisprudence, it makes no distinction of race, creed or colour. But I am sorry to say that the Britishers who are out to rule us make a good deal of distinction between race, creed and colour and try to set up one class against another. This is also incitement. Sir, you want to put a stop to a few stray murders here and there. Nobody deplores more than myself the unhappy incidents that we hear nowadays. Our sympathies certainly go to the bereaved families and I feel as deeply as any one on the other side. After all we are human beings, and the loss of a single life, the shedding of a single drop of blood, even of an enemy, is quite foreign to our culture and moral ideas. That being so, I assure you that we are with you in helping you in all possible ways that we can to save the lives of these people who at the present moment happen to rule over us. For I am not one of those who believe that British rule has been an evil for this country. I am one of those who believe that it was a divine dispensation which brought you over here, and I am grateful to you for opening to us the pages of your literature and history. But you cannot blame us if we have imbibed the sense of freedom from your literature and from your history. I would not imitate the ways of those barons who at Runnymede with unsheathed swords wrung from an unwilling king the Magna Charta, but I would like to come over to you in friendly conference, as we are doing at the present moment at the Round Table Confer-

ence, discuss matters and come to a settlement if there be any difference of opinion. After all....

**Mr. President :** May I draw the Honourable Member's attention to the fact that he is moving an amendment for the circulation of this Bill ?

**Mr. Amar Nath Dutt :** Sir, I hope I have been able to make my position clear why this Bill should be circulated. As I have already submitted before the House, we shall not lose much in one month's time, and you will thereby give us time to consider its provisions and the country also will be able to express its views. After all you are the final arbiter in these things. If you think it so very necessary or imperative, you have other weapons with which to grapple with the situation, which have been so often used within the last few months. With these words I once more appeal to my Honourable friends on the other side to give us an opportunity of having the opinion of the public about this Bill.

**The Honourable Sir James Crerar :** Sir, the Honourable Member who has moved this amendment presented himself at the outset in the guise of a mendicant. I confess I had a great deal of difficulty in recognising the Honourable Member....

**Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) :** Sir, I rise to a point of order. There are other Members also who have given notice of the same amendment. Will they be allowed to move this motion or to speak on it ?

**Mr. President :** There cannot be more than one amendment for circulation but a full discussion will be allowed.

**The Honourable Sir James Crerar :** Sir, I was saying that I had some difficulty, and I am sure the House had some difficulty, in recognising the Honourable Member in the guise of a *sadhu* or a mendicant. But I recall that the Honourable Member is a great admirer and a close student of the legends and mythology of India. It is not an uncommon thing for a very important person or a hero to appear in that disguise ; and therefore when the Honourable Member presented himself in that capacity, I felt that, persuasive and insinuating as his accents were, I had to deal with them with a very great degree of caution. Perhaps, Sir, his motion for circulation was a very appropriate motion for him to make in that capacity, but, throughout the greater part of his speech I failed to discover the precise grounds on which he made this motion. He contended, in the first instance, that the Select Committee, so far as the report is concerned, was equally divided. I think if he will examine that document a little more closely, he will find that that is not the case. Therefore so far as any necessity for a re-examination of the Bill is concerned, his contention falls to the ground. Indeed his arguments were addressed more to the principle of the Bill than to the necessity for its being circulated for opinion. I do not propose to follow those arguments because they are not, in my humble opinion, really material to the issue which is immediately before the House. He then passed on to refer to certain cases of what he regarded himself as serious incitements to violence. Now, without myself being concerned to express any opinion whether the passages he quoted were of that kind, I take it from him that he considered that writings of that kind were a serious public danger. If that is so, then surely some provision against it is necessary, and that is precisely my position. The



[Sir James Crerar.]

real ground on which I find it necessary to oppose this motion is precisely that there is a very grave and increasing danger in the country for which it is necessary to find a remedy. The Honourable Member referred, I regret to say somewhat casually, to "a few stray murders here and there". I do not think, Sir, that the incidents which have been the immediate cause for bringing this Bill before the House can properly be so discussed. It is true that he went on to say that he was anxious to help, more particularly in any measure of protection of the lives of British officers. The Bill, Sir, is not brought before the House with the sole purpose of protecting the lives of British officers. Indian officers are also concerned in this matter and when the Honourable Member expressed in moving terms—and I am sure in all sincerity—the deepest sympathy for the families of those bereaved officers, I trust that he will be prepared to show that sympathy in a prompt and practical form. His last contention was that there was on the Statute-book of India an easy means of dealing with this matter, and he referred also to the ordinances. He said that if an ordinance is to give effect to the principles of the Bill, we might prefer that course. If the Honourable Member is prepared to agree that the provisions and principles of the Bill should be so placed on the Statute-book of India, if he tells us that we should be well advised to take that course, if he tells us that that would be a proper course, then I cannot conceive why he should take any objection to the principles and provisions of the Bill being forthwith taken into consideration.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I also gave notice of a motion for circulation and now I want to speak on the motion and support my Honourable friend, Mr. Amar Nath Dutt. But I do not know why the Honourable the Home Member rose to reply so early, because he will not have the chance to reply later to the points which may now be raised. However, I am opposed to the principles of this Bill and also to the procedure. So I am for circulation. As regards the principle, I think every Honourable Member will concede that it is a fundamental principle of law that no person should be condemned without being given a chance to defend his own conduct in an open court of law. In clause (3) of this new Bill, it is proposed that any owner of a press or any publisher of any newspaper may be required to deposit sums of money before he has had any chance to prove that he is not guilty of anything, not only before any court of law, which I insist should always be the case, but even before a Magistrate. That is the main ground that I will subsequently take up. That is the main principle of law which this Bill goes against.

As regards the procedure, I think I should deal more fully with the procedure which the Honourable the Home Member wishes to adopt. In fact, mine is not a dilatory motion in any way. I want the circulation to be complete by the 31st of October. It is known to the House that the public at large had no occasion really to record their opinion about this Bill. We know that the whole of the Indian Press—except the Anglo-Indian Press—is against it. I will try to explain that these two stand on a different footing. Everyone will admit that this Bill, as its name shows, is a Bill for the better control of the Press and not for anything against incitement to murder or violence. It will be our business to show how the Bill will restrict the liberty of the Indian Press. At

this stage I wish to know—unfortunately the Home Member has already stood up and replied—anyhow I wish to know what the Government will lose if the Bill is circulated before the 31st of October. The House is also meeting early in November and it can then record its opinion on this Bill. It has also been said that the House is now in a depleted condition. Most of the Members have already gone away. In the original notice which the Member had it was stated that the House would last till the 24th of this month. A week more has already passed. So what is the hurry now? I think it is incumbent on the Home Member to explain why he cannot wait till the 31st October. Further it is known that at this time when the Round Table Conference is sitting in England, these controversial matters dealing with drastic steps against the liberty of the Press and action of individuals should not be taken up. It is also known that some Members of this House have been asked to attend that Conference and some of them have gone there very recently. I should like to know from the Government Benches what is the hurry now that they cannot wait for these four weeks and send the Bill for circulation. As regards the principle, it can be argued that it is not a penal measure and it is only preventive. But in our Penal Code even for preventive measures there is a procedure laid down. It is, I think, unknown in any civilised jurisprudence that people are condemned before having a chance of establishing their innocence in an open court of law. This Bill involves very big principles and certainly there is no hurry now. Even the Honourable the Home Member could not cite any case during these recent days. Fortunately from a pamphlet I read, I find that most of the editors have been punished during this period. I remember particularly the passages that were read by my Honourable friend, Mr. Arthur Moore. That is a Bengali paper and the editor was convicted once; he was prosecuted again and convicted a second time. The latest paper is the *Desh-Banee* from Noakhali. I read that that paper's editor also has been punished; and I got information from a friend that the editor of a paper in Bihar, from which quotations were made, also has been punished. So it is clear that the Government are not without means of proceeding against these papers. They have ample scope now, if there is any recrudescence of this crime, to deal with these editors. It is not that they are entirely helpless.

Therefore, Sir, as this Bill involves very large principles, I think the Government will do well to consider the matter and postpone the Bill till the next session in November.

**Sir Zulfiqar Ali Khan** (Nominated Non-Official): Sir, I thank you for giving me this opportunity to speak for the first time on this Bill; and I hope that Honourable Members will show me some indulgence if I describe some of the vicissitudes through which this Press legislation has passed. The motion now before the House deals with the problem whether the Bill should be immediately passed or whether it should be allowed to go the round of the provinces and then come back again to be dealt with according to those opinions. Before I deal with these problems, I may be allowed, as I have said just now, to describe some of the phases which I myself have seen.

It was in the year of grace 1910, when on account of the policy of Lord Curzon, the province of Bengal exploded in a frenzy of emotion, and the thunders of anarchy reverberated in the land. The Government

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awoke to the danger of allowing this agitation to develop any further ; and in the Imperial Council, of which I was a Member, a Bill was introduced to control the activities of the Press. Lord Sinha, who was then Mr. Sinha, piloted the Bill very successfully through the Council and exhibited skill and ability of such an order as I have yet to witness in the various Legislative Councils. In opposition to the Government there were stalwart politicians such as Mr. Gokhale, Mr. Bhupendra Nath Basu and Pandit Malaviyaji and others, and in spite of their strenuous opposition, Lord Sinha carried it through most successfully.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Were not the non-officials in a minority in that Council ?

**Sir Zulfiqar Ali Khan** : Yes ; but it evoked a good deal of opposition ; and there were people who were very able and later on shone in the other Councils. Ten years later, when the new constitution came into being, that is to say, in 1920, whether by a conscious or unconscious irony, the Government called to office some of those very people who were looked upon as offenders by the Government and who were fugitives from justice. This change of direction was masked with a smoke screen of political futilities. In any case it offered an interesting example of how an autocratic impulse can change abruptly the whole tone and tendency of Government policy. History repeats itself, and we have come back again to the same situation. Government see in the present situation very great peril on account of the activities of the Press, and they have again introduced a measure to deal with such activities. It is very difficult to dissect the motives of the people, the pressmen and the assassins whose activities the Government wish to curb. But analysing the psychology of such people and seeing into the motives of such people as far as I can see, there can be only two motives of the assassin : either to enlarge the liberties of his country or to create chaos and anarchy in the land. With regard to the first, that is to say, making sacrifice for the greater liberty of the country, I may say that both Indians and British are doing everything they possibly can to add to the liberties of the people and to frame anew constitution for India, which I hope and everybody hopes will satisfy the people. Even Mahatma Gandhi has come out of his entrenchments to parley with the British, and he has gone to London as we all know and is engaged in the serious and momentous work of the Round Table Conference ; and we hope that substantial and satisfactory results will ensue from those deliberations ; and in the interests of the country and in the interests of the future of this great land, we all desire that peace and tranquillity may be allowed to those representatives of ours who are there in order to do the things we desire. If they are disturbed in their deliberations, I think it will be unfair not only to them but to ourselves also. It seems to me that, in spite of these considerations, the anarchist in India wishes to follow his devious and dark ways, and therefore it is necessary to consider what is best in the interests of the country. Mahatma Gandhi has issued earnest appeals to these people and so has Dr. Tagore and others, but these misguided youths do not listen to any reason.....

**Mr. Gaya Prasad Singh** : But what are the opinions of Mahatma Gandhi and others on this Bill ?

**Sir Zulfiqar Ali Khan :** If these people do not listen to any reason, then it is the duty of all patriotic people, who desire that there shall be peace and order in the country, to support a measure of this character. Sir, I am one of those who desire that India may occupy the same place in the rank of nations as any Dominion in the British Empire, and therefore if I offer any opinion here, I am perfectly sure that it will be listened to with attention, and if there is any criticism to be offered, I should be the first to benefit by it. Sir, the activities of these people are inspired by the mistaken idea that they are the only saviours of the country and that others including men like Mahatma Gandhi are traitors. (*An Honourable Member :* "Who said so?") Yes, they do say like that, because they have not listened to Mahatma Gandhi's advice, they defy him, they even attack him.....

**Mr. Gaya Prasad Singh :** Why don't you quote Mahatma Gandhi's opinion on this Bill? Quote his opinion on this Bill if you have so much respect for him.

**Sir Zulfiqar Ali Khan :** These young men labour under the delusion that by their methods they can create.....

**Mr. Amar Nath Dutt :** May I know what is your objection to circulating the Bill?

**Sir Zulfiqar Ali Khan :** They think they can create a nation in India. Well, Sir, if they have an atom of common sense they will at once see that their activities, instead of creating a nation, have divided the nation. What has happened in Chittagong? What has happened in Cawnpore and other places? If their activities are allowed to run riot, I am afraid that they would soon inaugurate a civil war in India, the consequences of which would be most appalling. If Honourable Members think that what has happened in Chittagong, Cawnpore and other places has no bearing on the attitude of these people, then they can kill this Bill, destroy it or do anything they like with it, but if there is any danger lurking in these proceedings, if instead of getting on to the formation of a nation, these misguided youths are destroying that chance, then I do think that Honourable Members should take into consideration the difficulties of the administration and the well being of our own people. Sir, in order to save India from great perils, the only thing to do is to cut off the fuel from the fire, I mean the fuel of the incendiary writings which offer direct incitement to murder and assassination; and to curtail the activities of students, assassins, schoolboy anarchists.....

**Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) :** Why did you oppose the measure last time? Why did you vote on the other side?

**Sir Zulfiqar Ali Khan :** I think, Sir, if anybody requires muzzling, it is this gentleman here. (Loud Laughter.)

**Mr. Amar Nath Dutt :** For his extraordinary intelligence?

**Mr. K. Ahmed :** Exactly like my friend who is vacillating and changing.

**Mr. President :** The Honourable Member cannot be allowed to interrupt like this.

**Sir Zulfiqar Ali Khan :** With these remarks, Sir,—(*Several Honourable Members :* "Go on, go on.") I strongly support the Bill which

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is now before the House and oppose the motion for circulation. The Bill has been very much changed by the Select Committee, and if you mutilate it entirely, there is no object in passing this measure which will not be effective and which will not remove the dangers that exist in the country.

**Rao Bahadur Chaudhury Lalchand** (Nominated Non-Official) : Sir, liberty of the Press is a great asset in all civilized countries, and any limitations on such liberty and on honest and straightforward journalism, which is very essential for the healthy growth of all national institutions, are to be deplored. But we are passing through the most critical period in the history of India. We have political agitation on the one hand and economic trouble on the other. A life and death struggle has been going on during the last two years between the most organized section of our political parties and the Government. A huge propaganda has been going on, and thousands of our young men have been to jails and great heat has been imported in this blood. Just at the present moment, when our representatives are discussing the future constitution of the country in England, there is a section of the population here who honestly feel—I do not attribute motives to all of them—but there are some who really and honestly feel that if they can do something here while important deliberations are going on which may show that India hates foreign rule, that will strengthen the hands of our representatives. Well, Sir, extracts were produced from papers by several Members when they spoke last to show how pernicious propaganda has been carried on for some time in the country, and a case has been made out to put a stop to that pernicious propaganda. There is, to add to this trouble, tension between landlords and tenants, and advantage is being taken to turn economic unrest into political agitation, and therefore an emergency has arisen. If I may be allowed to add to this long list of troubles, the unemployment problem to which my friend Mr. Amar Nath Dutt referred, that is another cause. and any number of highly educated young men are out of employment and they offer very good material for exploitation. So all these causes taken together have caused an emergency in the country which did not exist before, and for which special legislation is necessary. There is great deal of inflammable material in the country and a small spark will be enough to set fire to this stuff. The present measure, as has been very clearly pointed out and is apparent on the face of it, is only an emergency measure with limited scope and for a limited period. As such, if it is to be effective, if we are to give due consideration to the extracts that were read out to us by so many Honourable Members, if we are to check this propaganda effectively, an effective and emergent measure is very necessary

Sir, it has been said, and some of my Honourable friends hold, that a measure is not emergent unless the heavens would fall if it is not passed. To them my reply is that the heavens will not fall if this measure is thrown out to-day. What would happen is this. The pernicious propaganda, the vicious propaganda that has been going on will continue. More young men will be misled. There will be investigations by the police, and more finds of illicit arms. There will be prolonged trials. more misguided young men will be convicted. After that, there will be processions through the streets followed by huge demonstrations. There will be mass meetings, and in some cases they will have to be dispersed.

**Mr. Amar Nath Dutt :** On a point of order, Sir. This Bill does not refer to processions, or mass meetings, and such other things. It is confined only to the keeping of presses and newspapers, and therefore, my Honourable friend is not relevant in his remarks.

**Mr. President :** The Honourable Member is quite in order.

**Rao Bahadur Chaudhury Lalchand :** I was submitting, Sir, that there will be all these unpleasant things. There will be firing by the police in extreme cases and innocent people will also suffer. The police and the military will patrol our streets to keep the law and order, and many other unpleasant things like the punitive police, etc., which none of us would like to see will happen. I think these will prove as bad as the falling of the heavens. Therefore, if the measure is to be passed at all, it should be passed at once.

Then, Sir, it has been said that besides these Honourable Members there are 350 millions outside ; they must have their say and they must know. May I ask how many of those 350 millions know that a Press Bill at all existed in the past ? How many of them know that it was repealed some years ago ? Not more than 15 per cent. know the past history, and not even that much will know if this Bill is circulated for a month as has been suggested by the Honourable the Mover opposite.

My Honourable friend Mr. Mitra has said that the Anglo-Indian Press is the only Press that favours this Bill. I had no mind to mention the vernacular Press at all, but I have got an extract from a paper, and if you will allow me, I will read from it. It is in the vernacular, but I have got the relative portion translated into English. In its issue, dated the 9th September, it says... (*An Honourable Member :* "What is the name of the paper ?") I will let you know presently. It says :

"On principle we are against any law which restricts the liberty of the Press. Ordinarily and under normal conditions every one will oppose a measure which tampers with the liberty of the press. But the principle underlying the liberty of the press is also subject to other wider and more important principles. If this liberty is used in a manner so as to endanger the lives of others, if it makes it difficult for others to discharge their duties and which curtails their liberty of moving about freely, then, it is not only proper for the Government to put limitations on this so-called liberty of the press, but it is their duty to do so. For, who does not know that the attempt to bomb the Viceroy's train, the dastardly attack upon the Governor of the Punjab, the murders of Mr. Saunders, of the Inspector General of Bengal and of the Inspector General of Jails, of Mr. Garlick and similar other incidents have been undertaken by such misguided youths whose balance of mind had been upset by either exciting articles in the press or by irresponsible and inflammatory speeches from the platform ? It is indeed to be regretted that editors of newspapers, who are instrumental in spoiling the lives of young men by their inflammatory writings and their criminal gestures and nods, should themselves remain safe, and inexperienced and short-sighted people, who fall victims to their writings, should undergo punishment.

Editors are generally clever and experienced people and they manage to write in a manner as to be safe from the clutches of law, while young men who read those articles take to bombs and pistols in the heat of the moment. The poisonous propaganda against the Government, its officials, against England and Englishmen, that is carried on in the press, is simply amazing, and there is no doubt that all anarchical crimes are the result of poisonous writings and similar other literature and of the speeches of unbridled speakers. Bhagat Singh was praised beyond measure, Sukhdev and Rajguru were equally extolled while Dinesh Gupta was deified. Great sympathy is shown with the accused in conspiracy cases. All this is not because they were regarded innocent, but because they committed these horrible crimes for the sake of the country. We all know how money is collected for the perpetrators of these crimes and how defence committees are formed. In court when they are guilty of impertinence and contempt of court, or when they resort to obstructive measures, then instead of writing a word against their conduct, the Government, the court, or the

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complainants are subjected to attacks. All these things deeply affect the minds of young inexperienced school and college boys and prepare them to risk their lives and liberty. They begin to regard this praise, this reputation and this honour as sufficient reward for their lives and resort to bomb and pistols. We believe that no one who has any regard for truth will deny the fact that press is to a large extent responsible for all those causes which derange the minds of young men. Under these circumstances if Government proposes to pass some law, which may give them better hold on the press, they are fully justified. They not only safeguard themselves but save many a young, promising youth from this most dangerous behaviour. If a rider uses any effective method to control his wicked horse or puts strong bits in its mouth, he cannot be accused of tampering with the liberty of the horse. We hold that the proposed Bill is of this nature and it would have been better if it could have been extended and applied to writings which create communal tension and bitterness."

Sir, this in an extract from a vernacular paper, and for the information of Honourable Members I may tell them that this is not a rival with Calcutta papers. The name of the paper is *Jat Gazette*.

**An Honourable Member :** Edited by you ?

**Rao Bahadur Chaudhury Lalchand :** No.

(At this stage several Honourable Members tried to interrupt the speaker.)

**Mr. President :** Order, order.

**Rao Bahadur Chaudhury Lalchand :** Sir, comments are superfluous. I would only add that the Bill that is before us is meant for the gutter Press of India and not for honest and straightforward journalism. The difficulty is that the case of the two cannot be separated and one seems to suffer for the other. The choice, therefore, is clear. Hand over the culprit and remain safe. If you harbour the offender, then of course you suffer the consequences of the ordinary law. With these words I strongly oppose this motion.

**Sirdar Harbans Singh Brar (East Punjab : Sikh) :** I rise to support the motion made for circulation of the Bill for the purpose of eliciting public opinion thereon. I support the motion because I disagree with the principles as well as the procedure suggested for the evil which the Government want to remedy, namely, the terrorist movement. I have listened with the utmost patience to the Honourable the Home Member during his speeches on this Bill during the present session. I have not been able to agree either with the causes which he has suggested for the terrorist movement or with the remedies which he desires this House to enact to combat that movement. The terrorist movement, they say, has got its inspiration from the Press. I submit and hold that not 10 per cent. of those people who commit these crimes read the newspapers from which the Home Member was pleased to quote from the pamphlets supplied to us. He admits that some of those papers from which he quoted have got editors unknown or fictitious. He could not give us even a supposed figure of their circulation ; the names of many of these papers were unknown to the Honourable Members of this House till he mentioned them. Papers with such a circulation could hardly be expected to incite the intelligent and educated young men who are misled to commit those crimes. The fact that these papers existed in the presence of such a strong bureaucratic machinery of the Government of India, the fact that not one of them suffered under the penal laws of the land, the fact that not one of them was taken to task in any way is at least a fact which causes suspicion in the minds of many of

us that those papers are edited and owned by agents provocateurs. They have not been able to cite from any of the well recognised organs of public opinion edited by respectable editors and they have failed to make a case against the Press which exists, and which can be called the organs of public opinion read by the population as a whole. Of course, as my friend Mr. Lalchand was pleased to remark, it does not apply to the *Jat Gazette*. He says that it is meant only for the gutter Press and not for the paper which is possessed and patronised by a society of which he happens to be the head or one of the most prominent organisers.

Sir, I may with your indulgence place before you my reasons for the existence of the terrorist movement and thereafter refer to the remedies which I consider would meet the case. The terrorist movement is a necessary accompaniment of a foreign bureaucracy oppressing an old civilisation. It always comes with it and it goes with it. It is bound to exist as long as the terror of a foreign rule exists for the oppression of a race ; and neither one Act nor two Acts, nor even ordinances are able to meet the circumstances. This movement exists when young men who study in schools spend all their parent's money for education with a view that they will get an opportunity to serve their motherland. They spend sometimes 15, 20 or 25 years for equipping themselves for that service. When they come out of the colleges, what do they find ? Places of honour are not meant for them, because they belong to a slave country. They belong to a subject race. All places of profit and honour must first be given to the white bureaucracy 7,000 miles away. They must be paid many times more than they could fairly demand or command in their own land. They must be provided with jobs when the country cannot stand even the barest taxation, at exorbitant salaries, which even the Finance Member was pleased to call the highest scales which exist in any country and with the continuing of which the Government of India can never prosper. They find that the best and noblest blood in the land with higher aspirations, demanding a national government in their own country, are terrorised and oppressed. They are kept in jails for periods undefined and even there, as we saw the other day, their liberty is being violated. They find that, whenever any measure of reform is given, it is never meant to be honest and effective. They find that the Legislatures are there, but that they can be easily overriden and laws made and passed, whether they are in session or out of session. They find, above all, that as long as the foreign bureaucracy rules, they cannot fulfil any honourable ambition. With such things before them, with so slender prospects for the fulfilment of their life's desire, with the ambition of public service, to be of utility to their community and their country all dashed to the ground by the ways and means adopted by the Government, they feel that the only way by which they can make India fit for the Indians, governed by the Indians and for the Indians, is, perhaps, to adopt measures which all countries, in such moments of national helplessness, have been forced to adopt. I do not approve of those measures, far from it ; I do hold that they are misled, that violence should not be adopted by human beings, because it implies a brutal nature of which our civilization is incapable, but I may just explain what, I imagine, they feel and what leads them to do like that. They say that Great Britain did not give power, did not agree to self-government even in the case of their own kith and kin, even to people of their own blood and to their own children in the United States of America till they were actually beaten to the ground. They find that, in spite of those wonderful promises in



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Parliament of Mr. Pitt regarding the United States and of Mr. Gladstone regarding Home Rule to Ireland, Great Britain would never part with power unless and until you force them to retire. As a result of those experiences, those histories which you teach them in the Universities in India, and much more in Cambridge and Oxford, where they read the books of Mazzini and other stalwart nationalists of their own motherlands, they are forced to adopt measures which they themselves consider to be genuinely in the interests of their country,—not as the Press advises them, or as the leaders ask them to follow. Sir, some people, after studying in the Indian Universities, afterwards proceed to the British Universities for higher education there. But on coming back, they find no jobs, and further they find that the European must be paid double the salary, must have special allowances, in short must be fed fat at the expense of the Indian labourer who gets barely one meal a day, and who must provide the European with all the luxuries of Simla, Naini Tal, Ootacamund and Darjeeling, and who must be bled white to the maximum limit that the modern machinery can extract from him. Sir, these are, I believe, the true causes of the terrorist movement,—not the Press, not even I think the gutter Press, because only a few of them could read the gutter Press. They are educated young men, and if they were to read the *Statesman* or the *Englishman* or the *Times of India*, and if those papers gave them the inspiration to such deeds, well they may be able to follow them. We only the other day read in that distinguished journal the “Friend of India” on page 9 of its issue—because that is the most important page—that it wrote to the effect, “Oh, well, if a Hindu kills a Muhammadan, the Muhammadan must retaliate, if Anglo-Indians are killed, and if they retaliate that is the only way to stop all this terrorism”. Sir, this is the sort of inspiration to be derived from these newspapers. I may say, Sir, that a British statesman who has twice filled the highest office under the Crown has condemned that Press as being irresponsible, as being a menace to the peaceful British rule in India and that gentleman has now recently been, with the common consent of all the different political parties in England, called upon to undertake the same onerous duties of holding the highest office under the Crown. Now, Sir, that statesman has put it in black and white on paper. Of course the customs authorities would not have permitted me in 1927 to bring that book to India, so I cannot give the exact wording of it, but I have got it in my head, almost verbatim, what he put down in that book. Speaking about the Government of India’s attitude towards sedition, he said :

“Above all, it has sought to widen the scope of sedition until it shall include everything that was not flattery.”

At that time he was talking of the Press Bill of 1910, which in a different form is being revived here :

“It condemns as sedition the most innocent phraseology of nationalism, and treats as dangerous political characters those who criticize its actions.”

It allows the Anglo-Indian Press day by day to write highly atrocious articles against the children of the soil. While all that is allowed to be done with impunity, the reply to it given by the Indian Press is treated as sedition, as stirring up racial enmity, as bringing Government into contempt ; and he says that Indian nationalism shall have to fight yet a hard battle to win its freedom against the Anglo-Indian community and the

services. He means the British services, which cannot be expected to welcome the national spirit. Sir, even though we find writings in the Anglo-Indian Press being condemned by such a distinguished statesman of His Majesty's Government, we do not find, during the whole period of British rule in India, one singular example of an Anglo-Indian paper having been brought to book or its editor having been prosecuted. Every day it incites and writes articles which make our blood boil and make us feel that it cannot do this without the Government permitting it to do so, because the Indian Press, even the most moderate like the *Hindustan Times* can be called to book and asked to give security which afterwards the High Court declares as being unjustified.

Sir, we are now, they say, on the way to get reforms. The Press creates opinions and leads the opinion in the country. At this time Government cannot welcome the emancipation of this country from centuries of slavery. They cannot allow the national movement to go on. They know in their heart of hearts that they are not prepared to give anything at the Round Table Conference and they know that that will lead again to a nation-wide struggle. So they are preparing to combat that struggle at the very beginning. It is not the terrorist movement that they want to stop. They want to check the national movement, which is coming to a head if the Indian demands are not met at the Round Table Conference. With that view they want to check the nationalist Press of India ; and I dare to prophesy that as soon as the Act is passed, the *Advance* and the *Liberty* will come under the guillotine perhaps on the first morning, the *Hindustan Times* in a week, the *Hindu Herald* and other papers like the *Tribune* and *Leader* will also follow, unless of course they themselves voluntarily adopt silence in matters of national importance. Sir, this Bill will not stop the terrorist movement. Let the Government follow the example of other countries which in such crises meet their emergencies. Let them send all the European troops back. I do not mean the officers. If we are not fit at present to officer the Army, at least our soldiers have proved themselves as well-fitted, and as good fighters on the battle-fields of France and Gallipoli as the soldiers of any other European country. Let that expenditure of five times that of the Indian soldier be stopped. Let Indians be given positions of honour and profit for which they are equally fitted, because when we get qualified Indians there is no justification for keeping foreigners here. Reduce the scales of salaries which are as much as four times those of Japan, of Germany and of France and I think about 2½ times as much as the United States of America which is the creditor of all nations of Europe. With that curtailment of expenditure, with the encouragement of Indian industries and agriculture, with the man in the street being satisfied with his lot and having a decent living in the land of his birth, with the young educated Indians being given an opportunity to prove their worth and with the power of the Indian people over their own exchequer, all this movement will naturally come to an end. Without these remedies, no Act, no ordinance, no repression by the police or the military will be able to stop it.

My Honourable friend, Chaudhury Lalehand, said, how many people know that a Press Act existed, that it was repealed and that it is again being introduced ? Is it because the people do not know anything about the introduction of the Bill that it must be passed ? How many people know that Chaudhury Lalehand has taken the place of that distinguished journalist Mr. K. C. Roy in this Assembly ? Not ten men in a thousand

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will know that. All the intelligentsia of India, which leads the masses, knows that there was such an oppressive measure as the Press Act of 1910. It knows that when the representatives of the people got a majority in the Indian Legislature, they took away that black spot from the Statute-book. And now all the intelligentsia has come to know from the columns of the "Friend of India" that another far more oppressive measure is now on the threshold of being enacted into law, and that Chaudhury Lalechand will contribute his quota to the making of it. Sir, when I was in England studying at the Bar, I used to hear from distinguished professors from Oxford and Cambridge, who used to lecture to us, that the only penal law of any country, which is complete in everything and which comprises remedies for all unforeseen circumstances, is the Indian Penal Code. That was the opinion of the most distinguished jurists of the well-known University of Oxford, and it was repeated on the floor of this House by the most eminent criminal lawyer of the Lahore High Court. Sir, the British jurisprudence laid it down that no person should be condemned unheard and that we must presume every one to be innocent until the contrary was proved.

**Mr. K. Ahmed :** Did you not deposit the caution money at the time of admission into the Inns of Court before you were called to the Bar? And did you not furnish security or deposit Rs. 500 at the time of submitting your nomination for election to the Legislative Assembly?

**Sirdar Harbans Singh Brar :** I think you are the only man from whom security should be demanded.

Sir, this Bill provides that without being called upon to show cause why security should not be demanded, the Magistrate who is the agent of the bureaucracy and of the executive, which is a party in the case, should declare him to be guilty. Security should be demanded, and what is worse, when a new person starts a press and has not printed a word on a paper and has not perhaps put a paper in the machine, he must also be declared *ipso facto* to be guilty and must deposit security because the Magistrate asks him to do so.

**The Honourable Sir James Crerar :** It is not "must". The Magistrate *may* demand security.

**Sirdar Harbans Singh Brar :** Sir, from our experience of 150 years of British rule we have come to understand that "may" is always "must" and "will" is always "shall". That is our experience and experience is better than theory. Sir, is it fair that a newcomer should have to deposit security at the sweet will of the Magistrate?

**Mr. K. Ahmed :** Why did you deposit the caution money before you were admitted in the Inns of Court and furnish security of Rs. 500 when you had submitted your nomination for election?

**Mr. President :** I wish that Honourable Members in possession of the House should not be interrupted. The discussion has proceeded at considerable length and very long speeches have been made. These interruptions have the effect of prolonging these speeches. I would specially ask Honourable Members not to interrupt speakers who are in possession of the House.

**Sirdar Harbans Singh Brar :** Sir, when the Honourable the Home Member introduced the Bill on the 7th of this month, he said that the

heavens are falling and it must be passed immediately. Later he said the report of the Select Committee must be submitted by the 18th September, otherwise India will be ruined and the Government will cease to exist or to function. Three weeks have passed. Nothing—not even one incident has occurred. And where is the hurry? We are meeting again in November. Why cannot we in this one month, by executive order—if he agrees to do so—circulate the Bill for eliciting public opinion by 31st October and then along with the Finance Bill we can dispose of this measure within a short period? Why should not the country have its say in the matter? Why should not the Local Governments, the judiciary and other bodies in the provinces be consulted? As Honourable Members have submitted, no such emergency or unforeseen or extraordinary thing has happened during these three weeks, and we can safely wait for another four weeks, and meanwhile let us have the opinion of the whole country before us, and with that material to assist us, the Home Member and we can co-operate together and make it law if the country and the Local Governments support it. There will be nothing to prevent us at that time passing it into law and four weeks is not too long a period to wait from the experience before us. With these few words, I support the motion made for circulation.

**Mr. G. I. Griffiths** (Bombay : European) : I rise to oppose the amendment that we should circulate the Bill.

Having carefully followed the debate preceeding the sending of the original Bill to the Select Committee, as also the report of that body, I feel I am now in a better position to urge the necessity of immediate acceptance of the new Bill upon my Honourable friends, the former Opposition. "Former Opposition", I rightly say in this case because I am sure that the majority of those who formerly opposed the Bill will now support it, as they must be convinced of the Honourable the Home Member's genuine efforts to meet their desires which the toning down by the Select Committee proves.

In considering those points raised by the Opposition, I would commend to their notice, the remarks of Mr. Ranga Iyer, wherein he stated that the platform was a worse offender than the Press, and I find that they have omitted to raise their voice against those platform orators who deliberately incite and eulogise murder by their scurrilous out-pourings. They have omitted to ask for the control of those who do equally as much damage by speech as by the pen. I feel sure they will support my contention that those, who eulogise murder and broadcast praise of anarchists, whether by Press or platform, should be appropriately dealt with. My Honourable friends of the Opposition have definitely shown their abhorrence of murder and anarchy, and I now appeal to them to assist in the unanimous passing of the new Press Bill, as redrafted by the Select Committee, and thereby to frustrate those who would bring chaos to the country by their writings. I would like to read an extract from Sir Cowasji Jehangir's speech as Chairman of the Reception Committee of the National Liberal Federation—just a small extract :

"No constitution which may give us a stable Self-Government will ever satisfy those who believe in the destruction of the existing order as a condition precedent to its reconstruction."

It is just an extract which bears out my contention. Further, I should like Honourable Members to add their voice to mine in urging Government to make an addition to the Penal Code, whereby those

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making utterances eulogising murder may also be brought to book, as the removal of these two forms of destruction will be the means of creating that peaceful atmosphere so necessary to those leaders at the Round Table Conference who are at present working to ensure to India a happy future.

Sir, as a new Member of this Honourable House, I want to feel that I am part of a body solely composed of sane, right-thinking men whose one aim is the welfare of India, and it is only by supporting Government's efforts, such as this Press Bill, that the desired welfare can be assured. Sir, I again appeal to my Honourable friends to avoid the road to destruction and concentrate on building up a sound future constitution for India. From the great number of amendments, it would appear that the whole structure of the Bill would fall, as it is suggested that the very foundation be removed, and this means that the emaciated skeleton which remains would be worse than useless. While I share the anxiety of Honourable Members opposite to clarify the Bill to the utmost extent so that no innocent paper can possibly come under its scope, I view with some concern one or two of the concessions which have been made and fear they may make it easier for an offender to escape. In particular, there is the clause permitting a new paper to go on publishing for ten days before producing the requisite deposit. It seems to me that in the case of mushroom newspapers which do spring up definitely for the purpose of inciting to violence and do not expect to have a long life, the clause as it now stands will permit a suspected person—who is in fact acting in bad faith—to start his newspaper, commit an offence, and disappear with a view to repeating the performance elsewhere. Further I should like to feel sure the Government are satisfied that the abolition of a minimum fine in the first instance is justified and whether it would not be more satisfactory to keep the previous minimum of Rs. 5,000. It is obvious that the Bill as it now stands will not interfere with the liberty of the sane Press in India, but will only be operated against those writers who are a menace to public safety. My Honourable friends opposite are quite convinced that what I have said is correct but, constituting the Opposition as they do, consider it their duty to oppose every move of Government whether it be right or wrong. Owing to so many days having been spent on this Bill, it has been found necessary to extend the period of the session, and if the *pros* and *cons* of all the amendments are launched, we shall be here until 1932.

Therefore, Sir, in conclusion, I would earnestly request all my Honourable friends to put nothing further in the way of bringing this session to a close, withdraw all wrecking amendments and pass this Press Bill so very necessary for the country's good.

**Sir Abdullah Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : Sir, I rise to intervene in the debate because I find myself in the unfortunate position of differing from my Honourable friend, Mr. S. C. Mitra, who has moved an amendment for circulation of the Bill. I am anxious to clear my position because I cannot but oppose this amendment. My task has been considerably lightened by Sir Zulfikar Ali Khan and the speakers who followed him, and who have expressed their opposition to the amendment ; and I would not be aiding

and abetting in furthering the object of this dilatory motion by delivering a long speech opposing this dilatory motion any further.

I wish to confine myself to the points raised by my Honourable friend, Mr. Mitra, and I shall briefly give my reasons for not supporting his motion, although I should like very much to be always on the same side as himself, if for nothing else, for the sake of old associations of bygone days. I am thinking of the days when I had the honour of being a lecturer in law in the University of Calcutta and Mr. Mitra was a student of law attending my Tagore law lectures...

**Mr. K. Ahmed :** And I suppose you were working together when both of you were Swarajists.

**Sir Abdullah Suhrawardy :** That was before the birth of my Honourable friend either as a lawyer or as a politician.

**Mr. K. Ahmed :** I did not start my political life as a Swarajist.

**Sir Abdullah Suhrawardy :** My first reason is this. Referring to the previous debates, I find in the proceedings of the 16th September a motion to the effect, "That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd January 1932". I find that the motion on the Agenda Paper to-day moved by my Honourable friend Mr. Amar Nath Dutt and supported by Mr. Mitra runs as follows : "That the Bill be circulated for the purpose of eliciting opinion thereon by the end of December, 1931". The only difference I find is that, instead of the 2nd of January, the date has been changed to the end of December. (*An Honourable Member :* "Not December.") I gather from the speech of Mr. Mitra that he now suggests the end of October. But I was confining my attention to what appears in print, and I think that the dawn of wisdom is due to the fact that the first of January is perhaps a public holiday, and instead of "the 2nd January" they put down, "the end of December 1931". Perhaps as a result of the dawn of greater wisdom, the period is shortened to "the 31st October" and I hope that at the end of the debate there will be a dawn of even much greater wisdom and that my friend Mr. Mitra will realise that it is in the interests of the country and in the interests of those for whom he has laboured and suffered so much, and in the interests of the freedom of the Press that this dilatory motion should not be allowed to stand in the way of the consideration of the Bill. I find not only that there was a similar motion in similar terms debated on the 16th September, but that when the House divided on that motion and the motion was carried by a large majority—73 against 31—in the list of those who defeated that dilatory motion prominent amongst the names of Honourable Members, the honoured names of Sir Abdur Rahim, Sir Cowasji Jehangir and Mr. Shah Nawaz—the Leader and Deputy Leaders of the non-communal party to which my friend Mr. Mitra belongs and of which he is the moving spirit.

My second reason for opposing his motion is that by a curious coincidence I chanced upon a paper—the list of questions for Wednesday the 23rd September 1931 ; and there is a question, No. 918, put by Mr. Mitra which runs as follows :

"Has the attention of Government been drawn to a series of articles in the *Muslim Outlook* of Lahore regarding the Indian State of Kashmir ?

Have Government taken legal opinion or do they propose to take such opinion as to whether these articles contravene the provisions of the Princes Protection Act ?

[Sir Abdullah Suhrawardy.]

Has the attention of Government been drawn to a series of articles and communications from special correspondents in the *Statesman* on the subject of the internal administration of Kashmir State and have they taken legal opinion on those articles as to how far they are calculated to bring the administration of Kashmir into contempt and offend against the provisions of the Princes Protection Act ? ”

When I notice the zeal and enthusiasm of my Honourable friend, Mr. Mitra, who cannot be accused of communalism of any kind, belonging as he does to the Independent Party, which is noted for its non-communalism, I do not clearly understand the reason why he is so anxious about the protection of the Princes and so unmindful of the interests of British India. The reason put forward for the mobilisation of the forces of bureaucracy by putting into action the machinery of the Princes Protection Act is the reason for my supporting the consideration of this Bill which is an emergent measure, the emergent character of which I do not think anybody in this House seriously questions.

My Honourable friend, Mr. Mitra, gave four reasons for his motion : he said he was opposed to the Bill on principle and on procedure. As regards the question of principle, I do not wish to detain the House by dwelling at any length on it. The principle of the Bill has been discussed threadbare and the result of the debate on the original Bill went to show that the principle of the Bill was accepted by a large majority when the motion for referring it to Select Committee was accepted by the House. As regards the procedure, I do not know what he means by it. The fates conspired with the Opposition, if not with the Assembly Department, to delay the passage of this Bill as much as possible, and I do not see what further defect in the procedure of the Bill my Honourable friend has discovered, so that he expects us to support his dilatory motion.

He next says it is not a dilatory motion. I do not know what it is if it is not a dilatory motion. Then he asks, what would happen to the *Statesman* ? There have been constant references to the Anglo-Indian Press in the speeches both of Mr. Amar Nath Dutt—whom I could not clearly hear and who did not appear to be in good form this morning—and from Mr. Mitra. If they are anxious to muzzle the Anglo-Indian Press, why do they then stand in the way of this Press Bill ? Once this Bill is passed into law, it will be a case of “ What is sauce for the goose is sauce for the gander ”. If the *Muslim Outlook* offends against that Act, if the *Statesman* offends against the Act, then there will be good reasons for us to say, “ Why do you make invidious distinctions ? Why do you let this ‘ Friend of India ’ escape ? Why do you allow these enemies of India to go scot free ? ”.

Then he also mentioned the Round Table Conference as one of the reasons for postponing consideration of this Bill. But I should have thought that the fact that the Round Table Conference is now being held in England and the destinies of India are trembling in the balance should be a reason for every right-thinking Indian to appeal to the Indian Press as well as to speakers on the platform to say nothing and do nothing which will be considered as an incitement to murder or violence. That is no reason why, because the Round Table Conference is sitting in London, the Press Bill should be postponed.

Then reference was made to the oft-repeated argument about the Penal Code. Mr. Ranga Iyer referred to the provisions of the criminal law on a previous occasion. My friend Mr. Amar Nath Dutt also referred to the Indian Penal Code as the most perfect code which human ingenuity or human genius could devise and my friend Mr. Mitra also made frequent references to the provisions of the Penal Code as being adequate for the purpose. Sir Zulfiqar Ali Khan, in the course of his speech, took us back to 1910 and he reminded the House that that great and distinguished lawyer, Lord Sinha (then Mr. Sinha), the then Law Member, had piloted the Press Bill of 1910, and that amongst the speakers in opposition were stalwarts like the lamented Mr. Gokhale and Mr. Bhupendra Nath Basu and the redoubtable Pandit Malaviya who, I am glad to say, is still with us. In spite of such able and distinguished gentlemen to oppose the measure then, the Bill was passed in less than a week. If I am not mistaken....

**Sirdar Harbans Singh Brar :** By the official majority.

**Sir Abdullah Suhrawardy :** I could not hear the interruption. If the Honourable gentleman will kindly repeat the interruption, I would be able to make him understand the exact position.

**Sirdar Harbans Singh Brar :** I said it was passed by an official majority.

**Sir Abdullah Suhrawardy :** I would refer the Honourable gentleman to the proceedings on that occasion and also to the division list, and before he interrupts speakers who are more familiar with the subject than himself, I think he should make sure of the facts and refresh his memory. At any rate, whether that Bill was passed by an official majority or an official minority, the fact remains that that great and distinguished lawyer, that eminent patriot, who was also President of the Indian National Congress, whose memory is held in great esteem and respect by all Indians, especially by the people of Bengal, in his masterly speech gave cogent and unanswerable reasons for the passage of that Bill on that occasion. Sir, if the situation was grave in 1910, it is much graver to-day. If there was need for a Press Act in 1910, he need is much greater to-day. His legal genius did not fail to meet this old argument of the Indian Penal Code. He had given there in his speech facts and figures and also the sections under which Government could have proceeded against the offenders against the law, section 108 and the sedition section, and he further gave the reasons as to why Government should not have resort to those sections. He also stated that as legal adviser to the Government, as a Standing Counsel and as Advocate General of Bengal he had to go through hundreds of thousands of papers of cases before prosecution was launched, and on many an occasion he had to advise Government not to prosecute the offenders for the simple reason that for some technical flaw or other the prosecution might fail and the object of the prosecution would be defeated. Do we not know that often times after long drawn out proceedings, the cases end in acquittal? That was the view of Lord Sinha in 1910, when the methods of hunger strike and hartals and processions in honour of murderers and anarchists were not known to the Indian public. Do you want that, instead of having recourse to a preventive measure like the Press Bill for muzzling the offending Press, we should have recourse to criminal proceedings, and



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defeat the very object which the Press Bill seeks to achieve ? There was a reference made to the Goonda Act by my friend Mr. Amar Nath Dutt.....

**Mr. Amar Nath Dutt :** I did not refer to the Goonda Act at all. I mentioned the word goondas.

**Sir Abdullah Suhrawardy :** All right, that has reminded me of a Persian proverb :

*“ An ra ki hisab pak ast,  
Az muhasaba chi bak.”*

“ One whose account is clear, need not be afraid of any audit.” The Goonda Act, I know,—perhaps my friend Mr. Mitra was also a member of the Bengal Legislative Council at the time, but I am not quite sure,—had many opponents. In any case many Honourable gentlemen championed the cause of the goondas when the Goonda Bill was being debated in the Bengal Legislative Council, though no gentleman need have been afraid of the Goonda Act. It is only the gutter Press which need be afraid of the Press Bill even as the goondas alone need be afraid of the Goonda Act. With these words, Sir, I oppose the motion for circulation.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly then re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

**Dr. R. D. Dalal (Nominated Non-Official) :** Sir, I rise to oppose the amendment moved by my Honourable friend Mr. Amar Nath Dutt that the Press Bill be circulated for eliciting opinion thereon by the end of December 1931 ; and I propose to occupy the attention of the House for only a few minutes.

I associate myself whole-heartedly with the remarks that have fallen from the Honourable the Home Member. Sir, I consider that the Press Bill which is now before the House has been overdue, and I trust that nothing will be done to delay the measure any further. The questions that occur to my mind are these : Is there any urgent necessity for this Bill—the Bill to provide against the publication of material inciting to or encouraging murder or violence ? Is this measure required by the circumstances ?

Sir, if we study the statement of terrorist crime, and I may state in passing that personally I have made a close study of terrorist crimes since the 1st July 1909, when a foolish, ill-balanced, impressionable, ungrateful youth by name Madanlal Dhingra shot dead that great gentleman, Colonel Sir William Curzon Wyllie, Political A. D. C. to the Right Honourable the Secretary of State for India, and Dr. Kavas Kharshedji Lalkaka, a distinguished Parsi Doctor practising at Shanghai, at the soiree of the National Indian Association at the Imperial Institute in London,—I used the word *ungrateful* because Sir William Curzon Wyllie had many a time given a helping hand to Dhingra—I again say that if we study the list of terrorist crimes, we find and I for one consider that

it is a disgraceful record. This record has disfigured the page of Indian history, and has tarnished the fair fame of India. Mr. President, the record is one which can reflect nothing but shame upon our country and her people. Sir, I repeat that if we study the list of terrorist crimes, if we further study the leaflets and extracts from newspaper articles relating to incitement to terrorist crime or to the adulation and laudation of those concerned in such crime, further if we take into consideration three important points—(a) the emergency character of the legislation—in the Bill that is now before the House the duration of the Act has been limited to two years. Personally I think the Act should be in force for three years, or I fear it will impair the effectiveness of the measure. In this connection I cannot help expressing my high appreciation of the accommodating spirit displayed by the Honourable the Home Member, (b) the restricted nature of the legislation—this Bill deals only with incitement to and praise of murder ; it does not restrict just and fair constitutional political discussions in any way ; it does not militate in any way against the principles of the freedom and liberty of the Press, (c) the principle of the Bill has received support from leaders of public opinion such as Mr. Gandhi, furthermore if we take into consideration the important fact that the cult of murder has been on the increase most intensively since the Press Ordinance was withdrawn, and there can be no doubt that extolling a murder—the elevation of cowardly murder to the plane of heroism, and the description of the execution of the murderer as martyrdom has had and is still having an enormous effect in inciting immature minds to follow the example of the so-called patriots—then, Sir, I respectfully submit that every sensible, reasonable, and right-thinking person will agree with me that these weighty considerations prove the urgent necessity for the Bill and establish its justification.

Now, Mr. President, with your permission, I shall refer to one case only, and that is the bomb explosion in the Legislative Assembly Building at New Delhi. This dastardly outrage was perpetrated on the 8th April 1929, and several Honourable Members present here were compelled to witness it. In this connection may I be allowed to strike a personal chord ? My cousin, Sardar Sir Bomanji Dalal was seriously injured as a result of that bomb explosion. Sir, I shall be the last man to indulge in hyperboles, but I can truthfully state that as a result of that injury and shock his nervous system has been shattered and he has become a martyr to insomnia—in short he has been keeping very indifferent health indeed. Holding strongly as I do the view that this measure will have a powerful deterrent influence, and in view of what has happened to my family, I welcome this measure with much gratification ; and I am sure the Honourable House will readily appreciate and realise my anxiety for the passing of this Bill, for I am convinced that the idea of that Delhi bomb explosion was nurtured as a result of seditious writings.

Now, Sir, with your permission I shall state how seditious writings become disseminated in Rural Areas. I was a Member of the Public Health Department in the Bombay Presidency, and one of my duties was to carry on rat-destruction as a measure against plague ; so after dinner from 9 to 11 o'clock in the night I had to supervise the laying of rat-poison baits in the houses of villagers. During those rounds many

[Dr. R. D. Dalal.]

a time I saw large numbers of villagers assembled in the open air, or at the village school, or even at the village *chavadi*, and to those crowds newspaper articles were read by some one of the audience, and they were criticised. I need hardly point out that at those meetings disaffection against the British Raj was fostered, and I need hardly add that seditious writings are the poisonous seed, which must sometimes fall upon the soil of immature or discontented minds, and that from such root in due course springs the impulse which drives human beings to ruthless and shameless crime, and invests it with the false halo of self-sacrifice.

Now, Sir, I wish to urge one important point and I have done. On the 11th April 1929 the Legislative Assembly unanimously, with one mind, with one voice, adopted a motion condemning unreservedly dastardly outrages and murders, and assuring Government of its full support in such stringent and drastic steps as might be necessary to prevent a recurrence of diabolical and dastardly crime. Now the time has come, the opportunity has arisen, and I sincerely hope that the House will rise to the occasion as one man. In conclusion I earnestly and with all the force and conviction of which I am capable appeal to all Honourable Members to lay aside opposition for opposition sake in a matter that is so close to the heart of every one, and to give unanimous support to Government in the passing of this measure, which in my opinion is urgently needed and is absolutely necessary for the safety of the public and for the betterment of the youth in India.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : I am afraid I cannot support the amendment which my Honourable friend Mr. Amar Nath Dutt has moved this morning. No doubt he related a number of instances in support of the view that the Bill before us ought to be circulated and that it can be circulated in the Delhi session early in November. I ask has not the Bill been referred to a Select Committee already and are we not traversing the very same ground again ? This point about circulation for public opinion was raised in this very House and it was decided by a majority of votes that it should be referred to a Select Committee. The delay in taking up this Bill is due to an oversight on the part of a clerk in the Assembly Department, and I would be as liable to make this mistake, if I were in his position, as any one else. It was an oversight after all. The Bill withdrawn and the Bill which has been introduced are exactly the same, with the exception of one section at the end. The title, the docket and the first page are the same, with the exception of that one section. That is a digression anyhow. But for the oversight of the clerk, this Bill would not have come up for discussion in the way it has done just now. If advantage is taken of that oversight for traversing the very same ground and asking the House to refer the Bill for eliciting public opinion, I think it will be wasting the time of the House. After reading the report of the Select Committee, I find that the amendments made there are all that one could desire. Being of that opinion, I think I may be permitted to say that much of the time of the House is wasted by carrying on this discussion on a question which has been already dealt with in the House. I would say that this Bill be not circulated for public opinion and that it may be referred to a Select Committee. If there are any difficulties in forming a committee, that is the look out of my Honourable

friend Sir James Crerar, but to offer opposition at this stage and to suggest that it should be circulated for opinion, is, if you will permit me to say so, wasting the time of the House.

**Mr. President :** Will the Honourable Member contribute towards that end by curtailing his observations ?

**Mr. Muhammad Muazzam Sahib Bahadur :** I shall be very brief, Sir. With regard to the propaganda of the nature that is still being carried on and that has been carried on in the Press, which is responsible for a great majority of the terrorist crimes with which no one has the least sympathy, those who incite to these crimes ought to be put down with a high hand. My friend, Mr. Amar Nath Dutt, has moved that this Bill be circulated. Does he really feel that there is no urgent necessity for placing a measure like this on the Statute-book ? I think there is every necessity and the speedier the desired action is taken the better. My friend, Mr. Amar Nath Dutt, gave expression to his feelings that he would prefer the Bill being circulated for eliciting public opinion. When my Honourable friend said that, did his head and his heart go the same way ? Does he not feel that there is a real necessity for a statute of this kind ? Does he not feel that the earlier action is taken the better for the interests of India ? I ask that question of my Honourable friend, Mr. Amar Nath Dutt, as I feel that this Bill should be placed on the Statute-book as early as possible.

**Mr. Lalchand Navalrai :** (Sind : Non-Muhammadan Rural) : I am conscious that the issue now is whether the Bill should be circulated or not. I shall restrict myself to that issue alone and explain myself in a few words. I shall also make a few observations by way of reply to some of the points raised by some of the Members to-day. The main objection has been taken by the Honourable Member who spoke just now. He said that this Bill has passed through the Select Committee and that therefore there is no necessity for circulation.

**Mr. Muhammad Muazzam Sahib Bahadur :** My point was that the motion for circulation was defeated in this House.

**Mr. Lalchand Navalrai :** That is all the more reason for sending it to the public. You all know that this Bill was introduced at the last Delhi session, and it was done without asking for public opinion. It was a Bill about which the journalists in India, Indian and also some Europeans, wanted that it should be proceeded with cautiously. I submit it was not done. The Bill had its own fate. In this session the Home Member withdrew it and introduced a new Bill. When introducing a new Bill, public opinion ought to have been invited. Is this not flouting public opinion ? Is this not neglecting the principle of law that no legislation should be passed without inviting public opinion ? I was sorry to hear the Honourable Sirdar Harbans Singh making a reference to " Mr. Lalchand " having said that there are no persons outside this house to make a useful comment on the Press Bill. I was really astounded to hear of such a statement having been made by me but the Honourable Member should have named *Rai Bahadur Chaudhury Lalchand* as the author of such a statement. (Laughter.) He said, " Who are the persons who are in a position to understand this Bill or rather to give their opinions thereon ? ". I really wonder, Sir, at such a statement. Is the country devoid of able journalists and men of culture able to give

[Mr. Lalchand Navalrai.]

sound opinions. The Rai Bahadur condemns them, but, Sir, you must hear them ; you are not hearing them ; and yet you say that they would be unable to consider it ! It is not only the journalists but those who read, those who contribute to the papers, are all being affected, and therefore they should be consulted. So I say that the mere fact of having referred this Bill to a Select Committee would not do away with the necessity of consulting public opinion at large which the country requires ; and it is no use saying that the public should not be consulted. Now the main issue reduces itself to this, whether there is going to happen anything so dangerous that you cannot wait for a month or two before this Bill is passed. I ask, why not wait for a month ? A Bill like the Finance Bill has waited till November ; why not this legislation also till then ? My Honourable friend, Rai Bahadur Chaudhury Lalchand, said, " Oh, it must be passed immediately, otherwise there is danger ". Sir, I was wondering what was happening outside. Perhaps the Honourable Member was in danger himself personally and therefore he wanted the Bill to pass immediately without public opinion being elicited. My humble submission is this, that in connection with this Bill you have to consider both the Indian as well as the English Press. Now we know that the Indian Press is very anxious to see that this Bill is not passed. Sir, it was said the other day by the Honourable Sir C. P. Ramaswami Aiyar, that if this Bill is passed, then the English Press, if it offends against the Bill, will also be proceeded against. My reply to the Honourable Member is that he is only one in the Executive Government, and his voice, on the question of the prosecution of a member of the English Press, would be very feeble among his other colleagues who would be all against him. Therefore, Sir, I would submit that his assurance to us is really no assurance at all. We know the past history in this matter, *viz.*, that the English Press has never been touched. Now many Honourable Members have to-day pointed out the tone and spirit of the English papers as to how they are inflaming class animosities and passions, but not a single finger is raised against them. I would submit therefore that the Indian Press is very rightly nervous over this, and they should be consulted. What will be lost, Sir, if they are consulted ? Nothing. Pass this Bill, Sir, if you will, but not only with the opinion of some Members here, but with the opinion of the country at large and I am not asking anything more. I submit that by waiting till the November session nothing will really be lost.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I had thought that this hydra-headed Bill, which has now emerged again from Select Committee, would come out with at any rate most of its heads cut off, but what do I find to-day ? I find several defects, which existed in the first Bill, not only not taken away but many of them reincorporated. The greatest defect which in this Bill appears to me is as regards the High Court's powers. These have been taken away with one stroke of the pen by the Honourable the Home Member. Sir, it can be easily said that this Bill was revised by the Select Committee and I am not at all sorry ; rather to a certain extent I am glad, that some of those patriotic members of the Select Committee who had the honour to sit on that Committee have appended a note of dissent to the report on the Bill, and the country will now judge who are the patriots and who the non-patriots (Hear, hear).

Sir, so far, Acts or Regulations or Ordinances have not been able to allow any Government to stop terrorist movements. Nor, would it be right to label all crimes from the beginning of British rule as due to the Press, or to attribute all those crimes to the Press, as some of my Honourable friends on the other side have to a certain extent done. As well as it would not be right to justify the present measure simply because from the times of the East Indian Company, some misguided youths did something towards some of the British people or towards the organized form of government. Sir, it is said very light-heartedly that they have in this Bill some principle and as I find that the common law of England has generally been quoted in this House ; so I will now quote the great *Magna Charta* of the English people themselves, and I refer to clause 29 of that Charter, which runs thus :

“ No free man shall be taken or imprisoned or disseized of his property, outlawed or exiled, nor in any way hurt, nor shall the King forcibly enter or pass upon him, unless by the judgment of his peers or by the law of the land.”

Now, if the principle underlying that *Magna Charta* is to be observed for the British it ought to be observed for Indians as well, since as one of my Honourable friends to-day said, what is good for the gander should be good for the goose also. So my submission is that the principle underlying that *Magna Charta* should be followed by our rulers who have the fortune of India in their hands (Hear, hear) ; and if they do not follow that principle, it is very likely that the state of affairs will go from bad to worse in this country. Sir, there is another principle underlying my opposition and it is this, that the power of the High Courts has been altogether taken away. I would refer, Sir, to section 491 of the Criminal Procedure Code, also to section 439 and section 350-B ; and I would submit that all the powers that were vested in the High Court under those sections have been done away with by this unjustifiable Bill of the Government. The High Courts have powers of revision, of appeal and of writs of *Habeas Corpus*, and these have all been taken away by one stroke of the pen ! Therefore my submission is that we are justified in asking this House to allow the circulation of this Bill so that we may know what the opinions of the High Courts would be on the Bill when their powers are proposed to be so much curtailed and taken away.

Sir, again, you are going to judge and prejudge the Press which, without committing any sin, without committing any offence, will be in the clutches of a Magistrate. One of my friends on the other side, referring to Mr. Ranga Iyer's speech, said that a speaker should also come under the clutches of the Press Act, and he referred to some particular speech. If that is the interpretation of the word “ violence ” according to the Honourable friend on the other side, and if that same view is taken by the Magistrates in India, then no body will be safe and no Press will remain out of the clutches of this Press Bill. Some remarks were also made about the leaders of parties. It is all very good for those people who have no leaders or who assume the role of leaders without any party behind them, to blame the leaders of parties. But that is no argument. Also, it is said that the young people in India are misguided by Press writings. My submission is that these young people imbibe their ideas of freedom from the books that they read in the college and university libraries where they read Rousseau's writings and other revolutionary books. Perhaps the next step which this Government is going to take will be to stop the reading of that literature even in the colleges and universities. Without stopping that, it will not be possible to stop this present

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movement in India. I therefore submit that the Bill ought to go for circulation.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the motion moved by my Honourable friend, Mr. Amar Nath Dutt, and in doing so I should like, with your permission, to make a few observations on this much-debated and much-debatable Bill from the Hindu point of view, so far as the genesis of the present trouble is concerned. Sir, the Government of India and the Local Governments are never tired of telling us, in season and out of season, that our young men have gone wrong. I do admit that there is some truth in it, but may I ask who is to blame for this ? We on our side would like to level a charge against Government with equal force that it is they who have spoilt our young men. Sir, the Hindu instinct is naturally against murder or violence. The Hindu conception of the King is that he is a great divinity in human form. Manu, the great law-giver of the Hindus, says :

“ *Mahati devata hyesha nara-rupena tishthati.* ”

Who is it that has been instrumental in the abandonment of that principle ? I should say that it is the Government who have been so. It is the unsympathetic rule of the present system of Government that has brought about a change in the mentality of our young men. It is the inhuman rule of the present system that has exasperated the feelings of the young boys. Sir, we Hindus are advocates of the law of *karma* :

“ *Abashyameba bhoktabyam krita-karma shubha-shubham.* ”

“ Man is bound to reap the consequences of his own actions (and of his past deeds). ”

I am afraid Government are now reaping the consequences of their past deeds. Let them take stock of their past actions. Let them remember the atrocities committed at Jallianwalla Bagh ; let them remember the policy adopted during the riots at Dacca, at Chittagong, at Cawnpore. Let them judge their conduct at Hijli and similar other camps ; let them remember how the regulation *lathis* of the police broke the heads of our men, of our women and of our children. The present political unrest is the outcome of such unsympathetic and inhuman rule on the part of Government. Sir, I am afraid that, Press Bill or no Press Bill, the political unrest must be there in some shape or other. If the Bill is not passed, the misguided young men—I am glad their number is very few—will go their way openly, and if it is passed, they will go on secretly—if I am permitted to speak out my mind. I would advise the Government to try their best to undo the effects of their past actions as much as possible. I would advise them to pursue a sympathetic policy now,—it is not yet too late. The whole system must be overhauled. How can you gag the mouths of the young men in this way ? You have already filled them with explosives and now you wish to gag their mouths. The result will be disastrous. They are bound to burst and not only burst, but burst into a flame which may consume the entire fabric. So, my submission is that the Government should not pass this Bill just now, at least not before the deliberations of the Round Table Conference are over. Sir, the existing sections of the Indian Penal Code are wide enough to cover all extreme cases. What is the good of creating further discontent in the country ? Sir, theirs is not the true diagnosis. They are troubling themselves with the outward symptoms only without an eye to the root-cause of the disease. The

proper treatment is being attempted in London and if the proper medicine is administered, I am sure the situation will be improved, otherwise not. With these few words I beg to support the amendment.

**Mr. President :** The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of December, 1931.”

The motion was negatived.

**Mr. Amar Nath Dutt :** Sir, I beg to move :

“ That the Bill which has been introduced this morning be referred to a Select Committee consisting of the following members :—Sir Hari Singh Gour, Sir Abdur Rahim, Mr. B. R. Puri, Mr. Ranga Iyer, Mr. Muhammad Azhar Ali, Mr. S. C. Mitra, Mr. Lalchand Navalrai, Mr. G. Morgan, Mr. Muhammad Yamin Khan and the Honourable Sir James Crerar.”

**Honourable Members :** The Mover.

**Mr. Amar Nath Dutt :** And the Mover if you like. I did not name myself because I am told that, when my name was suggested for the Select Committee, Sir James Crerar thought that I would be very troublesome. And five Members to form a quorum.

In moving my amendment, I will not imitate the manner of the Saint of Ava Lodge. I shall not imitate his ways. The Bill which has been introduced this morning contains provisions for the demand of security by Magistrates before giving notice, which is pronouncing a verdict before hearing the accused. That being so, it places the Press under the mercy of an executive officer, and we know of what material these executive officers are made. Sir, this morning I had to say many things about this Bill and in the discussion that followed I heard several things which did not convince me and many of my friends on this side of the House. No sensible argument, far less any reasonable argument has been adduced by any one of those speakers who opposed my motion. I wish to take one by one the arguments of Members who want to have this Bill expedited within the course of two or three days. Sir, the first argument came from one of the veteran legislators who was not only in this House since the very beginning of this Assembly, but also in the counter-part of this House which existed in this country before the Montagu-Chelmsford Reforms. He went so far back as the year 1910. I presume that that year has been taken as the standard of all Press Acts. What those veteran legislators, who were at that time in the Imperial Legislative Council—and my friend has brought in certain names—did, whether they supported the Press Act or opposed it, my friend with good grace does not state. Then again he has introduced the name of an eminent jurist of my province who happened to be the first Indian Law Member, and thereby he wanted to silence all opposition. In all his arguments he forgot one thing, that is, that that eminent jurist was no other than a servant of the bureaucracy and he had no option whatsoever but to act according to the dictates of that body. I may also tell my Honourable friend that the ways in which the bureaucracy wanted that its members should act compelled that eminent jurist to leave his office, a coveted office to many. Not only that, the same thing compelled him to leave the Governor's *gaddi* of a province.

**Mr. K. Ahmed :** But how do you know that that was the reason, Mr. Amar Nath Dutt ?

**Mr. Amar Nath Dutt :** When I say that, I think Honourable Members who have any grain of common sense will accept my statement as



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correct and true. All that I can say is that either they do not care to understand or they do not know the truth. Of course, I know all these things will not be liked by my Honourable friend, Sir James Crerar. Then again there was one gentleman from the Punjab who happens to occupy one seat for which I at least amongst many on this side had great reverence. He has quoted from a particular newspaper showing a model on which journalism is to be conducted. I am not aware of any country where journalism has to be conducted under the guidance of the Government. It will be a nice arrangement, in fact a paradise, for the Governors to live in, where there is no criticism. More than once reference has been made to the statements of a particular newspaper and every one knows that that kind of paper is the one that Government wants and cherishes.

Now, in all these arguments you have missed one point : you want to suppress the Press because it incites to murder. I am yet to learn that. Not one individual on the side of the Government or their supporters or their henchmen have attempted to prove that the writings in the Press gave rise to all these murders or rather owing to the writings of the Press all these murders were committed. It has not been proved as cause and effect. So long as that is not proved, I think I can dismiss in one word all the arguments about this Press Act, namely, that so long as you do not prove that the writings or so-called incitements to violence in the Press have provoked one young man to murder, your case fails. Look to the recent murders, look to the murders to which reference was made long before. I am not aware of any evidence which has ever been produced by any Public Prosecutor, or for the matter of that by any one responsible for the conduct of the prosecution, in which evidence was given that this young man read this newspaper and by reading that paper he at once took a pistol and went to shoot and murder so and so. If that happens, I warn Sir James Crerar, however, great a *sadhu* he may be and not a bogus *sadhu* like myself, that he and a thousand and one like himself will not be able to prevent murders like that. This is not the way. Go to the root cause of sedition in the country. What is that ? That is your attitude. That is your way of doing things ; that is your administration and your rule. You cannot deny that it is an alien rule, and one cannot be so hypocritical as to say, " We want alien rule and we love alien rule ". It will be sheer hypocrisy to say that. You also know that and that these henchmen of yours who support you with their votes and speeches do so for their own purposes. That is not the class of men upon whom, if you want to remain here, you should depend. I can warn you. ....

**Mr. President :** Order, order : the Honourable Member must address the Chair.

**Mr. Amar Nath Dutt :** I am addressing the Government through you, Sir, so that what I say may be conveyed to those who are responsible for all the misdeeds of the present Government : and because it is an unpleasant task at times I do not address you, Sir, direct : but the duty I owe to myself and to my constituency compels me to say these things. Sir, look to the ways of the bureaucracy. The more people are getting disturbed, annoyed and even displeased, the further you go and displease them all the more and get them convicted on the evidence of men with perjured evidence and bring about dissatisfaction in the land. There has been a reference to 1910. I can go back to the year 1899.

From the platform of the Lucknow Congress a member of that heaven-born service—not the Lucknow Congress which the Honourable the Law Member attended, but the one which I attended for the first time as a delegate a member of that heaven-born service, Mr. Romesh Chunder Dutt, gave you the warning, “Do not drive sedition underground”. I give you that warning again 32 years after. Do not drive sedition underground. If you take to these methods, I tell you the whole country will be ablaze and no one will be able to protect you. You want to deprive a few press proprietors of their living; are they really guilty? Do you believe in your heart of hearts that these writings here are the cause?—and I have gone through the entire book and I do not find any such thing in it which can prompt any one to commit murder. I tell you honestly I do not find any incitement to violence in the pamphlets given to us.

**An Honourable Member :** Do you know how to shoot?

**Mr. Amar Nath Dutt :** I know, but I do not. I perused every line of these pages, but the specimens which I read have had no effect on me at all.

Then again it has been said that murderers and martyrdom should not be praised. There I join issue with the Honourable the Home Member and say, “We may not approve of the deed, but should we not approve of the courage?” We do not approve of Lord Clive for forging, but should we not say that Lord Clive was a great benefactor of your race? We do not thereby applaud forgery or the methods by which you won India.

We have heard arguments in this matter on the side of the Government, which really begged the whole question. They have assumed that by these writings there are murders. But up till now not even the great *Sadhu* of Ava Lodge has placed before us that these writings have led to a single murder. Probably he wants that we should respect his religious views more than my friend, Pandit Satyendra Nath Sen. But he has not shown a single instance from this book—and I take it that this book contains the worst type of writings to which he refers—and I shall be very much obliged if he can show from these writings that they are the cause of any murder. I find a whole drama has been translated. Remember that from 1857 up till 1931, it is no less than 74 years, in those days I remember one of our greatest poets when he sang of India's freedom—Hem Chander Bannerjee—he feared a prosecution because he composed a patriotic poem.

**Sir Abdullah Suhrawardy :** Did he not get a C. I. E. for his poetry?

**Mr. Amar Nath Dutt :** I cannot hear you, you say I am not audible, but you are not audible at all here.

**Sir Abdullah Suhrawardy :** Did he not get a Companionship of the Indian Empire?

**Mr. Amar Nath Dutt :** No, certainly not. Hem Chander Bannerjee was not a Companion of the Indian Empire. Sir, he never cared for a ribbon to stick to his coat or a title. My friend who graduated in the same year as I did,—I have looked in to the calendar and verified the year—cannot claim more years than myself, I mean in the year 1899 (*An Honourable Member :* “That memorable year”),—yes, that

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memorable year,—probably he has been misinformed by some gentleman that the Late Babu Hem Chander Bannerjea was a C.I.E. Certainly Poet Hem Chander Bannerjea was not a C.I.E., but that is not to our present purpose. He wrote these lines.....

**Mr. President :** May I again draw the attention of the Honourable Member to the fact that he is moving an amendment that the Bill be referred to a Select Committee. As far as I have been able to follow his speech, it has been against the motion for consideration. The Honourable Member has not yet said a word in support of his amendment to refer the Bill to a Select Committee.

**Mr. Amar Nath Dutt :** I am trying to show that the Bill has been badly drafted, and that it requires thorough overhauling, and that can be done by the appointment of a Select Committee. I certainly feel that I should be as brief as possible, but I can only express what comes to my mind, and you will kindly excuse me for it.

Sir, it has been said that this praise of murderers and anarchists can be stopped by the passing of the present measure. Certainly you can stop writings in the Press, but do not kill the spirit of patriotism and the love of the motherland. That is my principal objection. In fact the Bill requires to be overhauled in such a way that such writings may not be stopped or handicapped.

Then again my objection to the provisions of the Bill is that it places more faith upon executive fiat than upon judicial order. As I have already explained, we have no faith in the executive of the land, and that being so, no power should be given to the executive, but it should be given to the judiciary.

Then my friend Mr. Griffiths was pleased to ask us to withdraw all amendments. I would have gladly responded to his invitation only if this Bill had been properly drafted so as not to require any overhauling. That being so, I submit that Mr. Griffiths will excuse us if we cannot accede to his request.

Then a reference was made to a Bill having been passed in less than three days. If Bills are passed in less than three days, is that a criterion for one to exercise his vote? Are we to accept such an incident as our guide? I submit we can not.

I shall not endeavour to traverse the unhappy incident to which my friend Dr. Dalal made a reference in his speech; we are all aware of the facts, but I may be permitted to point out that a reference to that incident was wholly irrelevant to the present case, because the motion at that time was for consideration, and now the motion is for referring the Bill to a Select Committee.

I regret very much that my friend Mr. Muazzam Sahib Bahadur was also not with me before, but I am sure that he will be with me head and heart on this motion. He has of course attributed to me some diplomacy which I do not deserve, still I accept what he has said.

Then I entirely sympathise with my friend Pandit Satyendra Nath Sen who quoted from Manu and told the House what the virtues of a King should be. Some friend of mine also referred to the virtues of

Britishers. Both those references are out of place on the present occasion. The Britishers you see here are not the Britishers of whom we read in history, and the King to whom my friend referred, is not available so long as these Britishers are between us and the Chair. (Laughter.) Therefore, I ask why attempt to take away the bread of the press proprietors? Have the provisions in the Bill, but have it recast in such a way that your real purpose is served. What is your real purpose? Some gentleman has given us the clue, and that is, that as soon as Mahatma Gandhi comes back to this country and there is a renewal of the civil disobedience movement, you want to arrest the spread of the movement by the use of the powers which you wish to take by means of the measure which is now before the House. All right, you had better have it, because we know that for the next few years that are left to many of us on this side, we will not have peace. We will not curse you, but we only pity you. (*An Honourable Member* : "Address the Chair".) As I was saying, Sir, I submit if you want to control presses, you may do so by properly drafting the Bill. I shall just read a few lines, and ask the opposite Benches whether they will or they will not prosecute under the provisions of the Bill as it is, a press in which one of the most sacred books of the Hindus is printed, and that book is no less than the Bhagwat Gita. These are the lines.....

"Hato ha prapsasi Swargam,  
Jitwa ha bhokshyase mahim,  
Tasmāt uttistha Kaunteya,  
Juddhaya kritanishaya,  
O! Son of Kunti."

"If you are killed in the battle you go to Heaven. If you are victorious you enjoy the earth. So, rise up and prepare for battle."

**Mr. K. Ahmed** : That is a religious warfare of ancient times.

**Mr. Amar Nath Dutt** : If you demand security from presses in which our religious books and religious texts are printed, then there will be no end to prosecutions. But beware of this, if you do so, you do it on your own responsibility and I give you this warning. As for the abuse you have heaped upon us, I know as a lawyer that when he has got a very bad case he abuses his opponent. That has been the case here. I never heard such insulting language from the other side, I do not know what purpose was served when the Honourable the Home Member abused us on this side of the House instead of adducing arguments, and I claim this that there is no justification for using such language as he has used. With these words I move my motion.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I rise to support this motion, but before I give my reasons, I want to clear up one point, and that is the charge levied against this party by one of the Members of this House. When the motion for circulation originally came up for discussion, the Leader of the Independent Party clearly asked the Home Member whether he was willing to discuss in the Select Committee all the points that were raised by the Members of the Assembly, and on the assurance given by the Honourable Member that each and every one of those criticisms would be considered by the Select Committee and would not be ruled out as

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falling outside the scope of the principle of the Bill—some Members of our Party supported the Government on the question of circulation. The second point that I wish to clear up is this. The same Honourable Member said that when the Press Bill of 1910 was under discussion, Mr. Gokhale and some other patriots of the country supported the Bill. I have got before me the proceedings of those days, and I find that, even on that occasion, the Bill was carried by the votes of the officials and the English Members, and there was no Indian elected Member who supported that Bill on that occasion.

Another point that I should like to make clear is that we on this side of the House are as much in favour of law and order as any Member on the Treasury Benches. We do not belong to the anarchical movement, and we would very much like to suppress the terrorist outrages, and we are as keen on this side as those on the other side of this House. But where we do disagree from the Members on the other side is this, that while they seek it as a sort of excuse for suppressing the legitimate freedom of the Press, we do not want to do so. We really want that you have measures which are commensurate to the occasion, to the crimes and troubles in the country, and not to go an inch further. But here I find that the Bill which is now before us goes really much further than the circumstances demand. Under the cloak of the suppression of the terrorist movement, they really want to shut up the Press, they really want to stifle the freedom of the Press which is as dear to us, as in the words of Mr. Elliot, it is dear to the European Group.

Sir, there are four points which I consider essential, and we on this side of the House will not agree to any measure which militates against any of them. The first is that the innocent should not be punished. This is a point on which we will fight tooth and nail to the last minute. The Government may have their own way by their own votes, but those of us who represent the people will make every effort to secure that the innocent people are not punished. The second thing on which we will fight to the very last is that the suppression of the terrorist activities should not be made an excuse for suppressing the legitimate freedom of the Press. The third point, as pointed out by my Honourable friend, Mr. Azhar Ali, is that justice is not denied by the omission of a proper appeal to the High Court in the manner prescribed in the law of the country. The Bill should not curtail the power of the High Court. The fourth point is that no person shall be punished twice over for the same offence. These are the four points to which we on this side of the House will request Government to give their fullest consideration. If under the excuse of suppressing terrorist crime, they want to overlook any of those four principles, then we on this side will have no sympathy with them.

Sir, if we analyse very carefully the note of dissent written by five Members of the Select Committee, we will find that these are the four principles to which they would like to adhere at any cost, and these are the points on which there is a difference of opinion between the two reports as they have come from the Select Committee. The Members of the Select Committee who differed from the majority never said that they were in favour of terrorist crime. My Honourable friend Mr. B. Das, when he first moved the motion, clearly said that if the Government

wanted to keep peace and order, if they wanted to stop terrorist crimes, he was behind the Government. In spite of the assurance given on a vital question of principle, it is unfair on the part of the Government to go further and ask us to compromise those four principles under the excuse of suppressing terrorist crime.

There are 114 amendments before us and it will take a very long time to discuss each and every one of these amendments. Therefore, the request of my Honourable friend, Mr. Amar Nath Dutt, is very reasonable. Instead of wasting the time of the House in discussing each and every one of the amendments on the paper, let a Select Committee be appointed and let them consider all these amendments and give their opinion, and therefore the motion of my Honourable friend, Mr. Amar Nath Dutt, is very rational and it will save the time of the House.

Now, I will show how the four principles I just enunciated, have been violated in this Bill. Coming to the first point, that the innocent should not be punished, I see that in clause 3, especially in the first two sub-clauses, you demand of every printing press, before any crime is committed by them to deposit security, that is to say, you assume that every printing press which will come into existence will certainly be criminal and will print undesirable matter, and therefore this security should be demanded of them. (Mr. K. Ahmed : " If they begin with that sort of attitude, what will you do ? ") My Honourable friend is a lawyer, I am not. Probably he has in mind those cases where people begin with the supposition that crime will be committed, but I on my part consider every person to be innocent unless a crime is committed by him and he is not guilty until he has actually committed a crime. We should not assume that a person, whoever he may be, will always commit crime. If any crime is committed by the press, I can quite understand its punishment ; you may demand security or anything else. But you have no right whatever to assume that every press which will come into existence will commit an offence. Some persons attempt to make some persons believe that this Bill affect only one community and not another. There are no doubt certain questions which have got a communal bearing, but every problem in India is not a communal problem. The freedom of the Press is as dear to one community as it is to another. It is not a communal issue ; it is an issue which involves the whole country. But assuming for the time being that it is a communal problem, though I believe it is not, I maintain that the Muslim presses will suffer more than the Hindu presses, and for this reason. Most of the Muslim presses have got very small capital. I know a number of these presses in my constituency which have not got a capital of more than Rs. 300 or 400, and how will it be possible for them to deposit a security of Rs. 500 ? (An Honourable Member : " Rs. 1,000 ".) The result will be that all these presses will come to an end. If any one goes round and examines the Muslim presses in his own constituency, he will soon find that there are very few Muslim presses that will be able to give security, and the effect of the first two sub-clauses of clause 3 will fall more heavily on Muslim than it will fall on non-Muslim presses. (Mr. K. Ahmed : " Let them suffer for one year or so. ") This is not a communal question at all and every small press in the country will suffer. One of my friends from the European Group said that we do not want mushroom presses. He was in favour of stopping them all. We on this side are entirely opposed to the capitalistic movement and

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legislation for the suppression of all the small presses and the keeping of only big presses in big towns.

**Mr. E. Studd** (Bengal : European) : I think the statement was that we did not want these mushroom presses which eulogize murder.

**Dr. Ziauddin Ahmad** : That is not a matter of personal explanation. I was referring to some other speeches from the European Group. Then, Sir, we have got unemployment in these days. If we enact another measure which will throw out of employment a large number of persons, it will be a great injustice to the country, not to Hindus alone or to Mussalmans alone, but to everybody in the country. I am supported in this statement by one of the Resolutions passed by the All-India Journalists and Press Owners' Conference, which states that, "To shut down a number of long established newspapers, would throw out of employment hundreds of middle class intelligentsia and thousands of wage earners employed in the printing trade". Then clauses (1) and (2) will have a very prejudicial effect on small presses. Most of these presses will not be able to deposit their security, and it will be impossible for them to be in existence. Therefore, I appeal to the Honourable the Home Member not to press clauses (1) and (2) of section 3, which will affect a very large number of persons in the printing trade.

One argument has been advanced, and I should like to meet it. That is it is quite possible that a press may commit an offence and as soon as security is demanded, it may shut up and go to some other street and start the press there and commit the same. The same press may continue to commit the offence several times and evade the law.

**Mr. President** : I would ask the Honourable Member to consider whether it is really necessary to go into such minute details in regard to the clauses on an occasion like this. He will have other opportunities of discussing these points later.

**Dr. Ziauddin Ahmad** : I leave it here and come to my third point. It is in regard to clause 4. This clause goes much further than the intention of the Bill, and I think any article that may be published which may be of a religious nature, which may give expression to legitimate belief, is punishable under this clause. Again the printing of a report of any case of terrorist activities which may have been committed will also be punishable. These reports may be the true reports of enquiries held by a Magistrate. The scope of clause 4 is too wide, and not limited to terrorists activities. My third point is about the curtailment of the power of a High Court. I do not like to explain this point in details at this stage. It has been very carefully described by other speakers. My fourth point is that the same person should not be punished twice in two different capacities. It is not desirable to punish the same man once as a printer and a second time as a publisher. These are the four points on which we take very strong objection. It is very desirable that all these points should be carefully considered, and therefore, it is very important that the Bill should be referred to the Select Committee. There are some other points such as question of fine but it is not desirable at this stage to deal with them. With these words, I support the motion.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : I rise to support this motion for the Select Committee.

My reasons for this is that the Bill as it has emanated from the Select Committee is not one which we can support. In the first place I do not find that the Select Committee has given the measure that amount of care and attention as it should have done. If it had done it, we would not have been faced to-day with a new Bill by the Government. Under the Standing Orders it was their duty to see whether the old Bill had been properly published or not. They did not do so and therefore, the new Bill has been introduced. It was the duty of the Select Committee to consider the provisions of the Bill in the light of the decisions which had been made since the Act of 1910 was passed and to come to a conclusion and find out as to how much of the defects mentioned in those decisions could be remedied. I find, Sir, they have not done so. One of the principal points on which I want to speak is this. In 1910 when the old Press Bill of 1910 was on the anvil of the Legislature here, Mr. S. P. Sinha (as he then was) stated this :

“ I have put in all kinds of safeguards. When the Local Government makes the order of forfeiture the Bill provides that it must state or describe the offending words or articles or pictures or engravings or whatever it is upon which it bases its order. No making an order which is vague, which is indefinite ; no order without allowing a man to know what he is being punished for, but a definite order stating the very words of the article or describing the offending words for which the man is being prosecuted.....”

So that, Sir, that the giving of notice describing the words, etc., complained of was considered by Lord Sinha as of vital importance to the accused. How has that been provided for ? In the well-known *Comrade* case, Sir Lawrence Jenkins decided that the notice there was vague, indefinite and was bad. But he could not do anything, because of what ? Because of the corresponding section in that Act to clause 30 as it is now here, which says :

“ Every declaration of forfeiture purporting to be made under this Act shall as against all persons be conclusive evidence that the forfeiture therein referred to has taken place.”

That means that you cannot go behind the order of forfeiture and attack the notice upon which that forfeiture took place. Then, with regard to the reference to the High Court, there is only a very limited reference. The High Court can only decide on the question whether the articles complained of contained those words, etc. : it cannot go into the question whether proper notice (as provided for by the Act, and which Mr. Sinha said is a safeguard he had provided for) was given or not. Now, I find in the Bill which has emanated from the Select Committee exactly the same blemishes, the same faults and the same defects. If the Government really and sincerely intends that these words should have some meaning that the provision made in the Act should have some effect, they ought to have amended the Bill in the light of those decisions, but that has not been done. (*Mr. K. Ahmed* : “ Read section 23.”) (*Mr. President* : “ Order, order.”) Sir, I therefore, say that the Select Committee has not done its duty properly, and therefore, I support the motion that another Select Committee should be appointed : and, Sir, having regard to the fact that the Member in charge of the Bill fears that there will be delay, I ask what has happened between the time that the Bill has been introduced and now ? Can he complain of any article in any newspaper



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in India which has transgressed what he is now seeking to provide against? There are two cases now, one in Calcutta and one at Sylhet. In the Calcutta case the man, who made the speech, has been hauled up before the court for incitement to murder. No bill has been given to him, and the case has been sent to the Sessions for trial. Why does not the Home Member wait for the decision on that case by the High Court? He will then find whether the provisions of the law are really sufficient for his purpose or not. I say, Sir, there is no need for him to be panicky. The Press now is much better according to the Honourable the Home Member than when he proposed this Bill. Under these circumstances, Sir, I do not see any reason why a Select Committee should not be appointed, with a time-limit so that they may make their report on the Bill at least three or four days or a week before the Assembly re-assembles at Delhi. Then, Sir, everybody seems to think that the provisions of the Bill are very simple, that it is only intended to provide against incitements to violence and to murder, etc. My friend, the Honourable the Home Member, does not know how the law is being administered. Being in Simla, in charge of the portfolio in the Secretariat, it is not possible for him to see what the Local Governments are doing. What is done there? A young Civilian officer is appointed to look after these matters, and I know from my personal knowledge what he does. Even during the time that the Viceroy's Ordinance was in force, I know during that time he would not allow even the proceedings of a meeting, held at Chaudannagar to condemn the action of the British officers who went there and killed some persons, to be published in the newspapers. He would not allow any news from Midnapore, where the officers were committing as much atrocity as possible, to be published in any paper! Sir, I know that from my own personal knowledge. Sir, these matters ought to be considered by a new Select Committee, and I therefore, support the motion that a Select Committee be re-appointed.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, as one who has been in the Select Committee, who has worked in the Select Committee with the approval and consent of the party to which I have the honour to belong, I have been compelled by the previous speech to break what would otherwise have been a vow of silence in this debate. Sir, the arguments that my learned friend from Bengal put forward before this House in regard to certain alterations of the Bill are unexceptionable, and I am very much in agreement with him; but I can only say from my experience on the Select Committee that his wholesale condemnation of the Select Committee..... (*Mr. Amar Nath Dutt* : "Not of the minority but of the majority.")—had my Honourable friend made that distinction, perhaps I might not have risen from my seat—but when as I understood him he launched a wholesale attack on the Select Committee, I am obliged to say this that on that Committee the Honourable Sir James Crerar and his advisers, the Honourable the Law Member and Mr. Emerson, who were present there, and also Mr. Mitchell, who worked very hard.....

**Mr. Amar Nath Dutt** : Outsiders were present at the Select Committee.

**Mr. C. S. Ranga Iyer :** My Honourable friend again interrupts me and says, " Outsiders were present at the Select Committee ". As an old Member of this House who has been on many a Select Committee—and I never had any attraction for a Select Committee and, left to myself, I would not have served even on this Select Committee, and this is the first Select Committee on which I agreed to serve during my long career in this Assembly—as an old Member he ought to know that in the Select Committee Secretaries, the Law Member if necessary and others have to be present to assist the Member in charge, and they were all present and they were all anxious to meet us so far as they could : and the Bill, as it appears before us to-day, is not the Bill that was presented to us a few days ago, and many of the criticisms that were launched from this side of the House on the Bill have, I am glad to say, been accepted by the Government. Even though we are not in agreement with them and we have shown our disagreement in our dissenting note. Sub-clause (1) of clause 4 has been considerably altered. I believe it is re-shaped beyond recognition. Again, the security has been very much reduced. It has come down very low. Then, an appeal to the High Court has been granted in the case of the old presses. We urged in the Select Committee that they should also put the new presses on the same footing as the old presses. Every word that Mr. Sen uttered in this House, every point that Mr. Amar Nath Dutt had in mind including the deletion of the " violence " clause, was urged by us with patience and with perseverance on an equally patient and almost willing Government. (A voice " Oh ! ") I say " almost willing " for this reason and if my Honourable friend, Mr. Gaya Prasad Singh, who interjects had been on the Select Committee and if he had made a comparative study of the old Bill and the new, he would find that the Government have been almost willing to meet us so far as they might. They met us in absolutely abolishing the forfeiture of the press unless there was defiance. They met us again in, as I have already said, the appeal to the High Court before the deposit of security and not after the forfeiture of the security : and the Government were prepared to go only as far as that. And I would unhesitatingly say that I am thankful to the Government for the tender mercies that they have been pleased to show in the Select Committee. I am prepared to say unhesitatingly that I am grateful to the Honourable the Home Member for the sympathy that he showed in the Select Committee. But,—and here comes my opposition to the Bill and here comes my opposition to the consideration of the Bill—we could not make the Government go beyond that. If we had our own way this Bill would not have been introduced in this House. I stand by every word that I uttered on the floor of this House when the Bill was introduced or the Bill as it stood, but we are not the Government. We are opposing the Government, but I am likewise opposing this motion for reference to the Select Committee; and I am sorry that my name has been put on it without consulting me. I consider this is a waste of time : I consider the amendment as futile : I consider that if it were to be pressed to a division and passed, it would be the triumph of futility, because Government, so far as I know, are not prepared to go beyond what they have done. Therefore, the proper thing for us to do, if we are business men, is to fight

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Government on the floor of this House by pressing every reasonable amendment that you think should be passed, by trying to shape the Bill beyond recognition on the floor of the House, if it is in our power to do so, by judicialising the procedure if we can really do it. I certainly endorse many of the observations that have been made on this side of the House on the original motion of the Honourable the Home Member, but I do not endorse a single word for reference to Select Committee, because, I believe the Government will not alter a comma or a syllable of this Bill. That being their position, as we understood in the Select Committee, my friend and Leader, Sir Hari Singh Gour, protested in the Select Committee that Government could not go further than that. If I am not betraying a secret of the Select Committee, he took up the attitude of an extremist of extremists. If I am not again betraying a secret of the Select Committee, my friend, Mr. B. R. Puri, who is not here, took up an extremely radical attitude. If my friend, Mr. Amar Nath Dutt, had read it carefully,—as I believe he has no doubt read it,—the dissenting note, he would find in it Mr. Puri's view when he even went so far as to say that we had every right to praise the merits of an assassin unconnected with the assassination without detracting from the heinousness of the crime. That is going further than the Opposition has gone to-day in this House. Why then, especially when Honourable Members sitting by my side do object to the principle of the Bill, should they be so keen and so enthusiastic about reference to the Select Committee? In a clever, well-reasoned, moderately worded and impressive speech that my Honourable friend, Mr. Mitra, the former Whip and organiser in chief of the Swaraj Party, made and upon which I congratulate him, he pointed out that he was opposed to the principle of the Bill. Such being the case, how can there be a reference to the Select Committee? If the House had given an indication of that before, there might have been no reference to the Select Committee, and we might be faced to-day with a much worse Bill than the one which faces us to-day. I am sorry that unnecessarily we are indulging in tactics which will lead us nowhere. For, the Select Committee will not improve matters; it is for the House to amend the Bill.

Turning now to the observation of the Honourable the Home Member when he introduced this Bill,—observations which I wish had commanded more attention and more reasoned criticism—I must say that we cannot accept the position that the Government have given to the new newspapers as different from the old ones. Why should there be this difference? A man is entitled, after all, to be given one chance. Let the new newspaper commit an offence and then proceed against it. But the moment the new newspaper is brought into existence it has to deposit a security. Why should it be asked to deposit a security, as has been pointed out by Mr. Mitra? It has been said by Sir Abdulla Suhrawardy,—on whose Knighthood I take the earliest opportunity of publicly congratulating him,—that Mr. Mitra was an old disciple of his when he was a Law Professor. But either he taught him wrongly, or his disciple understands the law better than the original Professor; for it is an elementary principle of English jurisprudence that any man who has not been proved to be guilty must be treated as innocent. Such being the case, why should Sir Abdulla Suhrawardy stand up in this House and, I was almost going

to say, prostitute—I would say perversely postulate—the principle of English jurisprudence ? That is what I ask. If a man is innocent until he is proved to be guilty, why is not a newspaper innocent until its publishers are proved to be guilty ? That is the entire crux of the Opposition case, and that is the entire reason why we propose to oppose this measure right from beginning to end, whatever the consequences, whether we win or lose.

Sir, at one time in my political career, I was definitely dangerous to public peace in the opinion of the Government, for they proceeded against me under section 108. I did not take part—very foolishly perhaps—in the Court proceedings at that time, or perhaps very wisely, it is not for me to say at present. I was then hauled up before a Magistrate ; there was the Government's prosecuting Counsel there ; witnesses were produced and the court having satisfied itself that I was dangerous to the public peace, I was naturally sent in a special train to a prison where I was treated almost like a prince. Then, Sir, if a newspaper is dangerous to the public peace, let it be hauled up before a Magistrate—its publisher can be hauled up, the keeper of the press can be hauled up before a Magistrate. And then they can have the opportunity of appealing to the Sessions Judge. They can have the greater opportunity of going to the High Court. If really the Government want to attack the Press and want a Press measure, the proper thing for them is to judicialise the whole procedure and not to treat a newspaper publisher—because the editor is out of the question in this Bill—or a keeper of the press differently from an ordinary citizen of the land. That is the position that we want the Government to adopt and when the Honourable the Home Member replies to this debate, he will say that such a procedure would not be permitted, would not be accepted by the Government in the Select Committee, even if you were to appoint another Select Committee. That will be his attitude. That has been his position. A much milder suggestion was made in the Select Committee by my friend and Leader, Sir Hari Singh Gour. He reminded us of a procedure which was urged in the days of Lord Lytton regarding the vernacular Press, and some Press Committee, he suggested might be appointed, the members of which could be from among the Honourable Members of Provincial Councils, who could sit in judgment as to whether a security should be demanded from a particular newspaper or not. The Government were not prepared to go anywhere near the suggestion. What they want is executive action and as they have put it—if I remember aright—in their note in the Select Committee's report, they clearly state that certain information comes before the executive and that information cannot be placed before a court of law and as that information cannot be placed before a court of law, they cannot agree to a legal or judicial procedure. That is their position and that being their position, Sir, without going further into the subject, without discussing many of the points that were mentioned in the Honourable the Home Member's speech, or without criticising some of the observations that came from various Members, I can say that the proper thing for us to do will be to fight the Bill inch by inch on the floor of this House instead of trying to indulge in the luxury of a Select Committee.

Lastly, Sir, I must end my speech with a reference, rather personal, which I hope the Honourable the Home Member would not mind. It was during the last session when we were in Delhi that a Press Bill was introduced and then it was withdrawn. Again a Press Bill was introduced in

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this session and by an accident—a regrettable accident for which I blame nobody—because even in well-regulated families accidents occur—the old Bill had to be withdrawn and a new Bill had to be introduced. This reminds me of the fact that the Honourable the Home Member is a Scotsman of intense faith in the heroes of his own country. We all remember the history of Robert Bruce who tried and tried again. Sir,

“Tis is lesson you should heed,  
Try, try, try again.  
If at first you don't succeed,  
Try, try, try again.”

I shall conclude with a parody on the *Chevy Chase* (15th Century) :

“For Jimmy Crerar my heart is wo,  
As one in doleful dumps ;  
For when his legs were smitten off,  
He fought upon his stumps.”

**The Honourable Sir James Crerar :** Mr. President, I propose to address myself in the first instance to the amendment of my original motion before the House for a reference to the Select Committee, and in rising to deal with that particular amendment, I should like, in the first instance, to express my appreciation of the words which fell from my Honourable friend opposite, Mr. Ranga Iyer. He is perfectly right in assuming that I take some interest in the history of my native country. I have heard of the incident to which he referred and I am glad to hear from his lips a very excellent precedent, an admonition to persevere. Sir, I do intend to persevere.

Now, as regards the motion to refer the Bill to a Select Committee and as regards what fell from the Honourable the Mover of that amendment, I can afford to be very brief. My task in replying to him in some sense would have been easier if he had given reasons for his amendment. But on the other hand, in view of the fact that he gave no reasons at all, my task becomes naturally unnecessary. As regards the other speakers on the motion, the singular fact which occurs to me is this. As was pointed out, again I think by my Honourable friend, Mr. Ranga Iyer, the essence of a motion for reference to a Select Committee implies an approval and an acceptance of the principle of the Bill. It was a somewhat remarkable circumstance, I think, that, with the exception of the last speaker, all Honourable Members who supported that motion spoke, as far as I can judge in opposition to the general principles of the Bill. Now, Sir, what I have to say with regard to the particular motion, the particular amendment before the House has been dealt with in so complete a manner by my friend, Mr. Ranga Iyer, that really very little is left for me to say. The original Bill which I introduced in the beginning of this Session was referred by the House to a Select Committee. That Select Committee considered most anxiously, most minutely, I must almost say, meticulously, not only every clause of the Bill but almost every word and every comma of the Bill. Not one single word on the broader issues, not one single word on the minor issues, escaped their attention or escaped their very close and very elaborate scrutiny. Consequently, I am in entire agreement with the Honourable Member opposite when he says that to refer the present Bill back to a Select Committee would be a sheer waste of the time of the

House. He indicated to the House that a very plain and a simple alternative may be followed, because I must myself call attention to the fact that the Honourable Members who supported this amendment did speak almost entirely in relation to the provision of some particular clause of the Bill. Now, Sir, I submit that the proper time to consider the provisions of a particular clause of the Bill is when the Bill comes forward for detailed consideration, and I take no exception whatsoever to the admonition given to me by the Honourable Member opposite that at that stage he intends to contest every amendment that may be considered reasonable—I am glad he made that qualification. But as regards the alternative before the House, I have no hesitation in saying that the Honourable Member's advice is sound.

So far, Sir, as regards the motion for reference to Select Committee. As regards the general questions which have been raised in this House, I venture to say....

**Mr. President :** I hope the Honourable Member is not going to reply to the whole debate.

**The Honourable Sir James Crerar :** I accept the suggestion. I do not propose to reply in full. A great deal has been said in dealing with this particular amendment or in support of it, which I suggest will properly be regarded as arguments for or against the principal motion. I restrict my remarks at this stage to my opposition to the amendment that the Bill be referred to Select Committee.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, as Honourable Members will find, there were three principal motions on the Agenda Paper. One has been disposed of to-day. One was for circulation ; and the one which we are now considering is for reference to Select Committee, and if this fails we have a very large number of specific amendments dealing with each clause of the Bill. If Honourable Members will turn to the amendments and the report of the Select Committee, they will find that the bulk of the amendments centre round four principal points ; and those points are first, that when a new press applies for registration, it should not be called upon to give security. It should be called upon to give security only if and when it offends against the principle of the Bill. The second point, which is covered by a large body of amendments, and which is emphasised by the five members of the Select Committee, is to the effect that the security demanded is in every case excessive and out of all proportion to the reasonable demand that might be made from the keeper of the press. Honourable Members will remember that the offending presses, according to the Government, are all petty presses, and if Honourable Members will turn to the definition of printing press, they will find that it includes such contrivances as lithographic stones, etc., which cost about a couple of hundred rupees ; and to demand from them a security which may amount to a sum of Rs. 10,000 is in all conscience excessive. The third and very important point upon which the five members could not see eye to eye with the other five members of the Select Committee is the important question about the right of appeal to the High Court. The last point was that the reference to the protection of *bonâ fide* claims upon the Press that is forfeited. Now, I ask the Honourable the Home Member to remember with what a degree of passion and force the dissenting minute of the five members of the Select Committee has been supported by the Opposition Benches. There has

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been a singular unanimity of opinion, if I may be permitted to say so, as regards these four points, which are emphasised in the dissenting minute of the Members of the Select Committee ; and I think the Members of the Select Committee who have penned that dissenting minute may be regarded as representing the voice of the elected Members of this House (Hear, hear) in requesting Government to consider and reconsider the points they have made. Between now and to-morrow the Government will have time to reflect, and I would ask the Honourable the Home Member to shorten the proceedings of this House, because we are as anxious as he is to see the end of this highly controversial measure which might bring us into sight of the end of the Session. Therefore, I hope that the Honourable the Home Member will now take count of the force of feeling on this side of the House upon these four points which every Member who has spoken on the subject has emphasised ; and if he can meet us upon these four points, I am quite sure that the further passage of this Bill will not take the time that the protentious length of the amendments indicate and threaten.

**The Honourable Sir James Crerar :** What are the Honourable Member's four points ?

**Sir Hari Singh Gour :** I will repeat once more the four points upon which I would ask the Honourable the Home Member to seriously consider whether he cannot meet the Members of the Opposition.

The first point we wish to make is this : in the case of a new press you cannot and must not demand security. Every man is presumed to be innocent and, as I said on the last occasion in this connection, even every dog is entitled to one bite. Consequently, under section 3, you must allow a new printer or keeper of a press to make a declaration without security. If after that he offends, by all means take security ; and I go further and say that if the Magistrate has a suspicion that the new so-called declarant, printer or publisher is not the *bonâ fide* printer or publisher but masquerades as a new printer or publisher, and is found keeping the old press that had offended against the Press Act, you may call upon him to give security ; but do not arm the Magistrate with plenary jurisdiction to demand security without assigning good and sufficient reasons. That, I submit, is a reasonable request.

The second point that we wish to make is this : you know from your own Department that the principal, if not the sole offenders in this connection are the small vernacular prints, issued from petty presses which surely cannot cost more than two or three or four hundred rupees. Now, to demand of them security to the tune of Rs. 10,000 is as much as to close them down. I, therefore, ask you to examine the question about the quantum of security.

Thirdly, I wish emphatically to press upon you two facts. You remember that in the dissenting note of the five members, reference has been made to the Government of India Act, and to the powers of the High Courts given by the British Parliament. Let me draw your attention to section 107. It lays down this : each of the High Courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the things therein specified. Now, as the Secretary of State and the Government of India have power of superintendence,

direction and control over the Government of India and the Local Governments respectively, section 107 gives the High Court statutory right of superintendence, direction and control over all the courts subordinate to it. That being the case, we cannot abrogate or qualify that parliamentary provision. The power of superintendence carries with it the power or right of transfer : it is indeed mentioned there—transfer any case from one court to another. It carries with it the power of general direction and correction. That power which the High Courts exercise under the Act of Parliament it is not competent for this Legislature to qualify or abrogate. That is the constitutional position ; and I ask you seriously to consider that when you are enacting a measure curtailing the power of the High Court, derogating it from the power which the British Parliament have given to them, you are doing something which will bring you into conflict with the judicial authorities of this country, and with the ultimate court of appeal.

Further in this connection, I wish to draw the attention of the Honourable occupants of the Treasury Benches to the Letters Patent of the various High Courts. All the Letters Patent give the High Courts the jurisdiction to hear appeals from all courts subordinate thereto, unless of course their power is taken away by the Legislature. Now, if you examine clauses 15 and 38 of the Letters Patent of the Calcutta High Court,—and the Letters Patent of the other High Courts are on this point exactly similar,—you will find these two facts, that under the Letters Patent all High Courts are generally given the power and right of appeal, though that right of appeal of course may be taken away by the Legislature. I do not wish to say that that right of appeal is inherent in them, but there is a right of appeal. The second thing is that the procedure to be followed in all cases of a criminal character is the procedure laid down by the Code of Criminal Procedure unless the Legislature here prescribes some other procedure. You have got the power to vary that, but the point I am making, is that unless this Legislature prescribes a different procedure, the Letters Patent of the High Courts enjoin upon the High Courts to follow the procedure of the Code of Criminal Procedure. Now, Sir, taking the Government of India Act and the Letters Patent conjointly, what is the result ? The result, is that so far as the Government of India Act is concerned, the High Courts have got the statutory right of superintendence, direction and control over all the courts subordinate thereto. That power is given by the authority paramount to this Legislature, paramount to the executive Government in India, and you cannot qualify or abrogate that power.

The second point is that while this Legislature has undoubtedly the right of varying the Letters Patent, under the Letters Patent as they exist, the High Courts have got the power of superintendence, to hear appeal and to exercise the power of revision. In this Act what you are trying to do now is indirectly to curtail the power which the High Courts possess under the Letters Patent. In a very recent case reported in Indian Law Reports 40, Madras, page 651, Their Lordships of the Madras High Court have pointed out that the power conferred upon the High Courts under the Letters Patent cannot be qualified by implication, but if the Legislature wishes to curtail that power, it must be done by an express Act. Now, what we are trying here to do is to curtail that power by implication by saying that the High Court shall hear appeals in certain cases, but there may be a number of cases, and when I come to the detailed examination



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of that part of the Bill which curtails the power of the High Courts, I wish to point out to this House, and I am sure the Honourable the Home Member will agree with me, that the power that you have given the High Courts is almost illusory. Unless you give the High Courts the power of remand, the power of taking further evidence, the power of transfer, the power of calling evidence, all these powers being implicit in the power of appeal, then the High Court has no jurisdiction at all. It examines some dead papers and from them has to decide such points as you specifically place for the decision of the High Courts. The High Courts have been really complaining about this. They complain that the executive want them to go into these matters and to give them their *imprimatur* and say that this thing is rightly done, as when in the case of detenues and other people two Judges of the High Court are called upon to examine the records. The High Courts refused to go into the question. They say that if you wish to treat us as an independent tribunal for the purpose of upholding the rights of the people, then give us all the power which an appellate tribunal should have. I, therefore, think that for the protection of the innocent and the punishment of the guilty, it is necessary that the High Courts should be given the completest power of appeal which they possess and which they have been given under the British Act of Parliament. That, then Sir, is the grievance of the five Members who formed the so-called minority in the Select Committee.

The last point is so obvious that the majority of the Select Committee voted for it, but as the Honourable the Home Member was not agreeable to the proposal of the majority of the Select Committee, we allowed. . . .

**The Honourable Sir James Crerar :** I am afraid I cannot accept the Honourable Member's statement as quite correct.

**Sir Hari Singh Gour :** You will accept it when you hear it. The next point that I wish to deal with is this. It was decided by a majority of votes in the Select Committee that when a forfeiture is incurred *bonâ fide*, encumbrances should be protected. That was the view of the majority in the Select Committee. That is what I was referring to, but the Honourable the Home Member did not accept the view of the majority. The result was that we said, very well, if you don't accept the view of the majority, we are not going to press it here, but we will press it in the open House, and we are pressing it here. I do not care whether you call it the view of the majority or not.

**Mr. President :** The Honourable Member should not go into the details of what happened in the Select Committee.

**Sir Hari Singh Gour :** The point then on which I would ask the Honourable the Home Member to reconsider his decision is this. If you are going to forfeit a press, under the law forfeiture means obliteration of all other claims secured or unsecured and howsoever *bonâ fide*,—supposing a press is mortgaged or was mortgaged five years ago, or it was taken on hire purchase system, the owner agreeing to pay say Rs. 5 a month or Rs. 10 a month, as the case may be, the property vests in the vendor. The forfeiture of that press would entail no punishment upon the delinquent, but the punishment will be visited substantially, if not entirely, upon an innocent third person. We therefore wanted to protect the rights of a *bonâ fide* encumbrancer, and I submit this House cannot possibly punish

a third party for the offence of the delinquent. I know, Sir, that in China if a man commits murder and he is brought before the hangman, he can bring another man alongside of him and if he says, "here is a man as my substitute", and so long as a man is executed the law is satisfied. But I think the British Government in India, the Government of my friend the Home Member, have not yet attained that degree of refinement, and innocents are yet under some guise of law entitled to protection when they prove that they are actually innocent and unconnected with the perpetrator of the crime. That, I submit, is a plain fact, but your Bill as it is drafted makes a clean sweep of the innocent as well as the guilty. As soon as the press is forfeited, a man may come with a yard long of registered documents showing that 5 or 10 years before the forfeiture of the press he had advanced money upon the security of that press. It may be that your court of justice has passed a decree against the printer upon a prior encumbrance, and that decree is merely awaiting a final decree for foreclosure. If you forfeit the press, the decree of the court is nullified, the registered encumbrance is made nugatory, and this innocent bystander who had nothing whatever to do with the commission of the offence is punished for the offence of the offender who may escape scot free. That I submit is a situation into which no sensible man can bring himself, and I therefore ask the Honourable the Home Member to reconsider his position upon this point.

Sir, these are the main things which cover the bulk of the amendments numbering 100 and more. If the Honourable Member, with the help of the Leader of the House, is able to come to an understanding with the Opposition, there will be no difficulty in coming to a speedy conclusion regarding this Bill. I know the feeling that there is in the country against it. My Honourable friend introduced this Bill this morning, and Honourable Members say this is a new Bill and consequently it must be circulated. Sir, the Bill may be new, but the ideas are very old ones. As far back as 1878, the then Government of India wanted to muzzle the Press in this country, and I find from the proceedings of 1878 that such a statement as the following was regarded as a flagrant breach of a fair criticism of the Government justifying the enactment of a native press law. The Honourable gentleman in charge of that Bill said :

"Look at the flagrant attack upon the Government in this passage. Can anything be worse than this to justify the enactment of the measure?"

What is the statement? This is the statement which gave birth to the Act of 1878. The statement is :

"This English Government in India is a beautiful but unprincipled woman, whose charms and attractions are irresistible but who is cunning, deceitful and cruel at heart." (Laughter.)

That you will find at page 149 of the proceedings of the Legislative Council of the year 1878. This, to the tin-gods of 1878, was intolerable; it amounted to sedition; it amounted to *lese majeste*; and all the members of the Executive Government were shaken to their feet against the perpetrators of this heinous crime! We live and learn. How much more strong language would not be tolerated by the Government of to-day? In 1878 when that Press Bill was placed on the Statute-book the whole country rose up in revolt against the Press law. Then, within about two years, that odious measure had to be repealed. In 1910 the Government re-enacted a similar measure which we pressed upon the Executive Govern-

[Sir Hari Singh Gour.]

ment when we took office in 1921 to purge from the Statute-book, and it was repealed.

Sir, this is a measure which is unprecedented. I have been reading the history of the Irish Coercion Acts of 1882, but they are nothing compared to the Press Bill which my Honourable friend the Home Member wants this House to support. As Honourable Members will remember, the English law on the subject is clear and unequivocal. Dicey in his Law of Constitution, at page 244, sums up the English press law in the following words :

“ It is also opposed in spirit to any regulation requiring from the publisher of an intending newspaper a preliminary deposit of a certain sum of money, for the sake either of ensuring that newspapers should be published only by solvent persons, or that if a newspaper should contain libels there shall be a certainty of obtaining damages from the proprietor.”

That is exactly what you are doing, and I have no doubt that the Honourable the Home Member will admit that the principle of his Bill is antagonistic to the letter and spirit of the English law. But he says we are living in hard times. So were your predecessors of 1878. They were also living in hard times. You have always been living in hard times ; an irresponsible and bureaucratic Government will always live in hard times. Whatever you may do, whatever you may say, so far as the Press and the people are concerned, they will never support an irresponsible and bureaucratic Government. That, Sir, is the crux of the whole situation. You may tinker with this piece of legislation or with that. You may pass paper decrees, you may issue mandates and Acts preventing people from asking for that draught of freedom for which the country has been yearning and for which their representatives have been crying for decades past. Your best remedy, your best solatium for the difficulties with which you are confronted is not this Press law or any other coercion measure. The history of Ireland is before you. You saw what that small country of six million people was able to do in the face of the successive coercion Acts enacted from time to time. Can you keep 352 millions of people in subjection by passing this and other coercion Acts ? Think of that first and think of the Press law next. I therefore ask the Honourable the Home Member to review the whole position in the light of what has fallen from so many speakers from this side of the House. The Honourable Member will remember that I was the last to speak to-day because, having perned a dissenting minute as a member of the Select Committee, I was anxious to see how far my views were supported by my colleagues occupying these Benches. I feel gratified to note that every one of the Members occupying the Opposition Benches is in accord with our dissenting note. Sir, if only you are in a compromising mood, this matter can be settled either to-morrow or early day after to-morrow, but what we want is that you must be in a reasonable frame of mind. Consider this that, while we are prepared to help you, we are going against the established English law. While we are prepared to help you, we are placing in your hands a coercion Act. While we are prepared to help you, we propose to give you as much power as will keep out the mischief and prevent you and your subordinates in the provinces from abusing it. That I submit is all that we want. The next thing we want is that if you want to use the executive for the purpose of enforcing your law, you are entitled to do so, but if you want a Magistrate, if you want a judicial officer to assist you—and you have provided it in the Bill that the orders shall be passed by the District Magistrate—he being a judicial officer, you are invoking a judicial machinery for

the purpose of your work. That judicial machinery could not be used freed from the judicial control which the Parliament Act prescribes; that judicial machinery must be subject, as the Letters Patent demand that, unless otherwise ordered by this House, the judicial machinery shall be subject to judicial control of the High Courts. Therefore, I say if you want the District Magistrate to act, the District Magistrate must of necessity be subject to the appellate and revisional jurisdiction of the High Court, and this House cannot consciously free the District Magistrate from the supervisory control of the High Court which is the salutary principle of the judicial machinery of this country. That, Sir, is the underlying principle for which we are struggling, and if you accede to that principle, the rest will be easy. (Applause.)

**The Honourable Sir James Crerar :** Mr. President, at this late hour of the day and in consideration of the fact that the general principle of the Bill has been debated—this is the fourth day on which it has been debated—I do not intend to detain the House at any length. The main considerations which have moved Government to bring this Bill forward I have already stated at great length. The nature and the character of the remedy which we propose to meet this great and growing evil I have already explained. The position has been examined and commented upon by a number of speakers, which I think constitutes almost a committee of the whole House, and when the Honourable and learned gentleman who has just sat down asked me to consider and examine the views that fell from Honourable Members on that side of the House, I am perfectly willing to accept his invitation. Indeed I have already given those remarks close attention. I have also given attention to the remarks which have fallen in equal number and with equal impressiveness, and to my mind with much greater reason, from Honourable gentlemen who sit in other parts of the House than that of the Honourable and learned gentleman opposite (Sir Hari Singh Gour). Now, Sir, the Honourable and learned gentleman from Nagpur in his impressive peroration made an appeal to me regarding the virtues of compromise. Mr. President, I am reminded of an anecdote told of that great man, President Lincoln of the United States. On one occasion he related the story of a man who came to him in great distress. He said he was having domestic trouble of a most agitating kind. President Lincoln asked him what it was. The man explained, “The fact is that my wife and myself are quarrelling as to whether the parlour should be whitewashed or should be papered. I want it to be whitewashed and she wants it to be papered”. Shortly afterwards, the distressed citizen came back perfectly peaceful and happy. President Lincoln asked him what had happened to that little dispute of his. The man replied, “Well, Mr. President, we have compromised it”. The President asked, “How was that done?” and the man replied, “Well, the parlour has been papered”. (Laughter.) That, Sir, is precisely the kind of compromise which the Honourable and learned gentleman is inviting me to enter into. Since he himself has been so assiduous in his efforts to make large parts of the statute law of India either nugatory or incomprehensible, I am not surprised that he should have attempted to direct his talents in that direction on this Bill. But, Sir, I must strenuously refuse his insinuating invitations. He said there are only four points that would arise if we are to make the measure effective at all. I will not be seduced into an argument on those particular four points at this stage. As Mr. Ranga

[Sir James Crerar.]

Iyer pointed out, they are points which the House will have an opportunity to debate and contest if necessary at the proper stage and at the proper time, and I do not propose to follow the example of my Honourable friend opposite in introducing them at this stage. I need not say anything further in opposition to his general position. I ask the House to take this Bill into consideration.

**Mr. President :** The question is :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Sir Abdur Rahim, Mr. B. R. Puri, Mr. Ranga Iyer, Mr. Muhammad Azhar Ali, Mr. S. C. Mitra, Mr. Lalchand Navalrai, Mr. G. Morgan, Mr. Muhammad Yamin Khan, the Honourable Sir James Crerar and the Mover with instructions to report by the 31st October, 1931, and that the number of members necessary to constitute a meeting of the Committee shall be five.”

The motion was negatived.

**Mr. President :** The question is :

“ That the Bill to provide against the publication of matter inciting to or encouraging murder or violence be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday the 1st October, 1931.

## LEGISLATIVE ASSEMBLY.

*Thursday, 1st October, 1931.*

The assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

### ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

**Mr. President :** Honourable Members will now proceed to elect seven Members to the Advisory Publicity Committee. There are eleven candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

### THE INDIAN PRESS (EMERGENCY POWERS) BILL—*contd.*

Clause 2 was added to the Bill.

**Mr. President :** The question is :

“ That clause 3 be added to the Bill.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move that clause 3 be omitted and consequential amendments be made in clauses 4 and 5.

The reason for this I gave partially yesterday, and I would now like to explain it. Clause 3 clearly provides that as soon as a press comes into existence and before it has committed any offence whatsoever, it will be required to pay a security which may go up to Rs. 1,000. Sir, we know that a large number of presses which are doing small job work in towns and cities live from hand to mouth. Their prices very often do not exceed a few hundred rupees. The owners usually purchase a small press ; they employ local men to carry on the work and thus give some kind of employment to about a dozen persons. If this clause is enforced, I am afraid that all the small presses, which are providing some kind of livelihood for people, and which are meeting a local demand, will soon come to an end, and the result of this will be that the printing trade will be monopolised by capitalists. In the words of one Honourable Member I may say that mushroom presses will come to an end. Sir, we have been fighting all along that trade should not be the monopoly of big capitalists. They should not be permitted to capture and practically finish those persons who are carrying on a similar trade on a smaller scale. If we become very harsh on these small presses, the result will be that most of these presses in the small towns will come to an end and the printing trade will be confined to large capitalists in the big towns who will be able to deposit any amount of security on account of the large capital at their back. This is a question of policy, and I do not think that any one of us who represents the poor taxpayers and those of us who do not represent the big capitalists can

[Dr. Ziauddin Ahmad.]

ever agree for a moment to Government undertaking a measure by means of which the small printing presses may come to an end. In addition to depriving a large number of people of their livelihood, they will be put to additional trouble to go to big towns for the printing of local business. for printing the proceedings of the municipalities and various other job work we do require local printing presses in order to carry out the work quickly ; and it will certainly be very inconvenient to the people if, even for a small work, they have to go to a big town and meet the expense of travelling and the delay it must involve. Therefore in the interests of safeguarding this cottage industry of printing, and in the interests of carrying out printing locally, I strongly appeal to Government not to take any measure by means of which these printing presses may cease to exist.

The second point that I should like to make is this, that it is against all principles of law to consider a man as guilty before he has committed any offence. We are violating that principle in this clause by saying that in the case of any printing press, however *bona fide* it may be and for whatever purpose it may come into existence, even though it may belong to a very loyal class, it should be assumed that it would commit an offence and be required to pay security before it came into existence. I do not object to the demand of security after the commission of an offence, but I certainly do object to the demand of any kind of security before the offence is committed. It may be argued from the Government Benches that this particular provision was introduced for the reason that a printing press may commit a first offence without security, and as soon as security is demanded it may close, and subsequently at night time the printing press may move to the other corner of the street. Next day an application may be filed under another name and a new press may be started, and the second offence may be committed in the same manner. I admit that this apprehension has some force. But one can naturally overcome this difficulty by considering whether the printing press in a *bona fide* press or a press which has already moved after committing the first offence. This is a thing which anybody can easily find out and it is quite possible that you may provide for remedying this particular objection.

Speaking now from the Muslim point of view, I oppose it still more strongly than I oppose it as an Indian, because a large number of Muslim presses come under this category, and any person who takes a communal view in this particular case is not playing the right game. It will be giving a wrong impression to say that this particular clause will not affect Muslims but only non-Muslims. I join issue with all those persons who hold that opinion. I was told by some supporters that probably Magistrates will take a lenient view of this favoured class. The law does not provide anything of this kind, and I do not think we should make any provision in which a distinction is made between a favoured class and an unfavoured class. These words are sometimes used in diplomatic relations "most favoured nations". I strongly object to this particular idea being introduced in any legislation passed by this Assembly. In the first place, I do not know whether the Muslims are really the most favoured people. Experience has shown just the reverse. Therefore from the communal point of view I oppose this particular clause

in stronger words than as an Indian. I consider that this particular clause is a great injustice to innocent people; it is really killing a cottage industry and it is a provision under which innocent people are being punished without committing any offence.

With these words, Sir, I beg to move my amendment.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : I hope I shall be able to simplify a great deal of what has been tabulated here under the various amendments. My friend, Dr. Ziauddin, wants to omit clause 3 which deals with old presses. Sub-clauses (1) and (2) deal with new presses. I think that so far as new presses are concerned, in ordinary cases no security should be demanded unless the Magistrate, for reasons to be recorded by him in writing, finds that it is a case in which security should be demanded and one such case would arise when the declarer of a new press comes in the guise of keeper of a new press and who really is an old printer who has offended against the Press Act. That is the whole crux of the case. My Honourable friend, Dr. Ziauddin Ahmad, merely meant to draw the attention of the Treasury Benches to this flaw in clause 3 of the Bill, namely, that ordinarily no security should be demanded from the keeper of a new press unless the Magistrate, for reasons to be recorded by him in writing, finds that security is necessary. There are some other amendments dealing with the quantum of security. The security that is to be demanded from the keeper of a new press is not to exceed Rs. 1,000. But there are a large number of amendments, and in order to save time, I would ask the Honourable Members to recast these amendments so that, point by point, we may go on and finish the work as soon as possible. Point No. 1 is that ordinarily no security should be demanded from the keeper of a new press unless, for reasons to be recorded in writing, he suspects that the new press is really an old offender coming in the guise of a new press. The second point is that in such a case the security should not exceed the sum of Rs. 500. That will dispose of clause 3, sub-clauses (1) and (2). Then there is sub-clause (3), namely, whether the security to be demanded from an old press which has offended against the Act is not less than Rs. 500 or more than Rs. 3,000. Honourable Members desire that the minimum should be cut out and the maximum should be reduced to Rs. 2,000. If my suggestion is accepted, it will cover a very large number of amendments on the paper and it will finish all the amendments right up to page 4. If the occupants of the Treasury Benches have no objection to clarify the issues on these points, we shall be able to get through this work very quickly.

**The Honourable Sir James Crerar** (Home Member) : I do not know whether, after what has fallen from the Honourable gentleman from Nagpur, Dr. Ziauddin Ahmad will be prepared to push his amendment. I do not propose to speak at any length on this point. But I should like to make it clear that the complete omission of the clause, which he proposes, would, so far as presses are concerned, completely nullify the whole of the structure and purpose of the Bill. If, therefore, the House were prepared to accept the Honourable Member's amendment, it would mean that all the labour which has been devoted to this measure, that all the decisions at which the House has already arrived on general questions of principle, would be directly negatived. I think the Honourable Member showed in his argument a complete misconception of what would



[Sir James Crerar.]

be the result of his amendment. He said that what he had in mind was the new press, the new press which has not offended. He objected to the principle which he said was inherent in the clause, and on that point I join issue with him. He went on to say that he had no objection in principle to security being taken from a press which has offended. He apparently omitted to observe that sub-clause (3) of the clause makes precisely that provision to which he himself says he has no objection, but which would be abrogated by his amendment. I do not think I need deal further with this particular amendment.

**Sir Hari Singh Gour :** What has the Honourable the Home Member to say to the suggestion which I have just now made by which we might be able to simplify the procedure ?

**The Honourable Sir James Crerar :** I cannot invade the functions and discretion of the Chair.

**Sir Hari Singh Gour :** I appeal to you, Sir, for the acceptance of my suggestion.

**Mr. President :** There are other amendments on the Order Paper. When those amendments are moved, it will be open for both sides of the House to consider how far there is a possibility of a compromise. This is not the occasion for it.

The question is :

“ That clause 3 be omitted and consequential amendments be made in clauses 4 and 5.”

The motion was negatived.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : Sir, I move :

“ That sub-clause (1) of clause 3 be omitted.”

Sir, we have been discussing this Bill for four days and everything that can be said in a general way has been said on several of these important clauses. It is not my purpose therefore to dwell at length on this clause. All that I would like to say is this. My objection to sub-clause (1) of clause 3 is an objection based on a principle. That principle has been already stated before the House and that is, that no person should be presumed to be guilty unless the contrary is proved. No doubt, Sir, the clause, as is now drafted in the Bill now under discussion, has been greatly modified and it is a great improvement, I must admit, on the clause that was originally proposed by the Honourable the Home Member. If I have ventured to move this amendment to-day, it is because of that sympathetic consideration which the Honourable the Home Member has shown in coming to an agreement on several of the important clauses of this Bill and in modifying the old Bill to a large extent to suit the wishes of the non-official Members. But there are still a few more objectionable features permitted to be retained in this Bill and it is with a view to state the desirability of removing those objectionable features on the floor of the House and to try and convince the Honourable the Home Member that if he could see eye to eye with the non-official Benches in this matter, it would be quite possible for us to have a Bill which would be less objectionable and which at the same time would serve the purpose which he has in view that I have brought

in this amendment. The improvements that have been made in this clause are, it will be seen, that a probation period of 3 months is given to the keeper of a new press and the Magistrate, when ordering security, is required to put on record his reasons for so doing. That is a great improvement, I admit ; but still the principle is not conceded. It is open to a Magistrate to call upon any keeper of a new press to deposit security without his having done anything to deserve that penalty. The powers vested in a Magistrate are so wide, and knowing as we do the way in which discretion has been exercised by Magistrates under section 144, and other sections of the Criminal Procedure Code, notwithstanding the provisions provided for judicial control, has made me think that these powers are too wide, and it is not possible to believe that the Magistrate would eliminate the possibility of innocent people suffering under a clause like this. The exercise of these powers by the Magistrates, as we all know, are based generally on information received from subordinates on whom they place great reliance. Neither the Magistrate nor his subordinates would be prepared to take any risk. It may be that the keeper himself has not offended, but his associates may be such that the Magistrate may think it prudent to take some security from this man either on suspicion or in view of his antecedents. It is not difficult for the Magistrate to put on record his reasons for stating why a security should be demanded from these people, notwithstanding the fact that the man has not actually committed anything to deserve the penalty. It must be remembered also that there is no judicial control over these proceedings. I venture to submit, under these circumstances it is not fair to degrade the profession of printers, and it is not worthy of the Government that a clause which is the negation of the principle that all persons must be presumed innocent until proved guilty, should be permitted to be placed on the Statute-book. With these few words I move this amendment.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Sitaramaraju. The keeping of a press is no longer a lucrative business. It is pursued now often as a supplementary source of income. The keeper of a press generally works in an office where his income is perhaps insufficient, and he therefore starts a printing press by investing a capital of a few hundred rupees from his own pocket, or by scraping it together, or by procuring a loan or an advance on mortgage, and he wishes to do that in the hope that it will fetch him some income, say Rs. 50 or Rs 100 a month. I admit, Sir, that it does fetch him some income, but sometimes, in these days of economic depression and keen competition it is just the other way. The head compositor is often left in charge of the business, his only qualification being that he can read and write without much difficulty, and the keeper of the press comes back from his office seldom before dusk, and when he comes back tired, he is not in a position to look after the business ; he does not know what is going on in the press. Under the circumstances, I think that it will be a great hardship to him if he is asked to deposit any sum, big or small, especially because in these days business has to be carried on with much difficulty and under most adverse circumstances. There is no reason why the keeper of a press should not be presumed to be innocent so long as he has not offended against the law. I am not talking of jurisprudence and so forth, because I am not a lawyer, but I have

[Pandit Satyendra Nath Sen.]

some common sense on which I take my stand and I should like to see which of my Honourable friends will go against common sense. With these words I support the amendment.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I rise to support this amendment. I have myself given notice of a similar amendment which comes on later, so I would like to say a few words on this.

My main objection against the provisions of this Bill is that, instead of introducing the rule of law in this country it introduces the rule of executive. We have been accustomed to hear from the Treasury Benches the phrase that if an administration wants to govern, it must maintain law and order at any cost. Thus law always takes precedence to order. All eminent authorities agree to this. No civilised State maintains order at the cost of law. Therefore the first point which ought to be taken into consideration in my humble opinion is whether, by introducing this new legislation, we are maintaining the rule of law in the country or are we substituting the rule of the executive for the rule of law. This clause, as a matter of fact the whole of this Bill, insists upon substituting the authority of the executive for the authority of law. By asking us to enact this particular clause, the executive asks us not only to arm it with power to punish an individual who in its opinion may transgress the limits of this Bill, but it asks us also to declare that whoever intends to keep a printing press, he shall be regarded as a man of doubtful character and that he is not fit to be a free man. As a matter of fact the business or profession of printing has been declared to be a sort of criminal profession. Any person who wants to open or to engage in the profession of printing is to be regarded as a culprit from the very start. If the operation of this clause had been limited to the cases of individuals of known bad or even doubtful antecedents, its authors could have claimed some merit for calling upon him to deposit security. In the absence of such a qualifying phrase we would be justified in concluding that irrespective of the antecedents of the declarant, the Magistrate can call upon him to deposit security. Of course discretion is vested in a Magistrate, but we have seen enough of the exercise of this discretion, the Magistrate entirely subordinates himself to the will of the District Magistrate. The District Magistrate's will is more often than not exercised in restricting the liberties of the people, instead of protecting those liberties, which is the real function of the District Magistrate. With that mentality in the land, my submission is that it will be most dangerous to arm the executive with such a power. If the Press is not wanted in this country, let the executive come forward and openly declare so and we will do without a Press in India. But if the Press is wanted, and if it is considered to be of very great help in the administration of the country, then it is nothing short of tyranny to ask the keeper of a press to deposit security. I do not agree with my friend the Mover of the amendment that the clause provides any probation of three months for good behaviour of a new press. There is no such provision. As I read sub-clauses (1) and (2) together the Local Government is given power to order a refund of the deposit money by not confirming the order of the Magistrate but heaven knows how that power is to be exercised. It is really no safeguard at all. The person who wants to open a new press will have to

deposit security in the very beginning. Therefore, my submission is that there is no rule of justice or of equity in demanding security from a new press. A new press should be considered to be innocent till the keeper or printer is found guilty, and we do not know why that rule, which has been introduced by British jurisprudence in India, should be abrogated here when we are passing such legislation as this. With these few remarks, Sir, I support this amendment.

**Mr. E. Studd** (Bengal : European) : Sir, I have listened very carefully to the arguments of those Honourable Members who have supported this amendment, but I am afraid I cannot agree with them. It seems to me that, in the first place, they have refused to recognise the fact that this Bill is intended not to deal with the whole Press but to deal with only one specific section of the Press which admittedly has been doing a great deal of damage by eulogising murder and instigating violence. I do not think any of the arguments of my Honourable friends opposite can hold water. If they admit that there has been a section of the Press which has been eulogising murder and violence, surely they must admit that steps must be taken to deal with.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What about the new press ?

**Mr. E. Studd** : I am coming to it now. It does not seem to me that it matters very much whether it is a new press or an old press. They all assume that everybody has got to pay this deposit, but I cannot agree with that assumption. I do not think that there are any grounds for believing that this clause would be operated unduly harshly by Magistrates who have to deal with applications. But, Sir, all my Honourable friends opposite complain that they object to this clause on principle because it is condemning a man before he is found guilty. I do not know how they can justify that claim. All that is asked is that the keeper of a press may be required to put down a deposit which he will have returned to him if there is no complaint against his press after three months. Now, Sir, I think I am right in saying that every Honourable Member of this House, when he stands as a candidate for election, is called upon to put down a deposit. Can anybody honestly maintain that he has been condemned as a defaulter ? It seems to me, Sir, that the two cases are very much on the same footing, and therefore, I do not think that that claim can possibly hold water. I can understand Honourable Members disliking the provisions of this Bill—I do not like them myself very much—but when an emergency arises, sometimes unpleasant measures have to be taken. Perhaps Honourable Members will remember that a year or two ago France was very much afraid of small-pox being introduced into their country, and they therefore laid down very strict regulations that no one must be allowed to land in France unless he was either vaccinated then or could produce a certificate that he had been vaccinated quite a short time before. It seems to me therefore that the present case is rather on a par with that. There is an evil in existence in this country which it is sought to eradicate and stop spreading, and therefore measures that we might not consider justifiable in ordinary times are perfectly justifiable under the present circumstances. Therefore, it seems to me that my friends opposite have made out no case for this amendment, and I strongly oppose it.

**Mr. Gaya Prasad Singh :** Sir, I am really surprised at the arguments advanced by my Honourable friend who has just sat down. My friend stated that this clause is intended to be directed against that section of the Press which is known to have a tendency to incite to violence and things like that. Let us assume that it is so, but what about the new printing press which is just going to be started? Why should any such presumption be raised against a new printing press? Why should this new press, which has in no way offended against the law or is not in any way guilty of incitement to violence or murderous activities, be required to give a deposit in the first instance? That is my first point which I want to place before the House, because every man must be presumed to be innocent, and the keeper of a new printing press must be presumed to be innocent till he is proved to be guilty. This is the fundamental proposition of criminal jurisprudence, which is sought to be violated by the insertion of this sub-clause.

In the next place, the right of appeal to the High Court is also sought to be denied by this particular clause. Apart from the provisions prescribed in the Criminal Procedure Code, the High Court has inherent powers of superintendence, direction and control. Now, this sub-clause seeks to deprive the High Court of that particular power. Therefore, my suggestion is that Government might, without impairing the object which they have in view, agree to the deletion of this sub-clause.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhanumadan Urban) : Sir, I support the amendment that has been moved by my friend, Mr. Sitaramaraju. He has made out a very strong case in favour of the amendment, and I should like the Honourable the Home Member to consider the position so far as this sub-clause is concerned a little more carefully. I am perfectly conscious—we are all conscious—of the fact that the Honourable the Home Member has gone a long way to conciliate public opinion in favour of this Bill, but I do think that this sub-clause cannot be justified having regard to the object of the Bill, with which we on this side of the House have expressed our entire sympathy. The object of the Bill as now presented to the House is to provide against the publication of matter inciting to or encouraging murder or violence. That object can be fully attained without having a sub-clause of this character. Under this sub-clause every press that is started has to deposit security....

**The Honourable Sir James Crerar :** No, Sir.

**Sir Abdur Rahim :** Yes, unless the Magistrate chooses to dispense with it at his own discretion. Now, I contend that no such discretion ought to be given to Magistrates in the case of a new printing press. The question I would ask the Treasury Benches to consider is this,—is a printing press a legitimate business or not? If it is, is the Government entitled or justified, or is it necessary for them to ask, before a legitimate business of this character is started, that the man who starts it must be prepared, if the Magistrate so wishes, to deposit a certain amount of security? Why do you not ask for security in the case of any other business? What is the reason then that in the case of printing presses only you should ask for security beforehand, or the Magistrate should have the power to ask for security? What is the reason? The only reason apparently, so far as one can guess, is this. There is a sort of presumption in the minds of the framers of the Bill that printing is a more or less dangerous business.

Is that so ? Is that the proposition that the Government want to support—that there is a possible danger to the public if a printing press is started ? Unless that proposition is supported, I submit to the House that this sub-clause cannot be justified at all. Not only a printer, but every man may be liable to offend against the law of the land. Why should the printers be singled out for security ? One can well understand that if a printing press is printing matter which offends against clause 4, which offends against the object of this Bill, then in that case the Magistrate should have the power to call upon the keeper of that press to deposit security. But until that has happened, what justification is there for saying to a man who wants to start a business of printing, “No, you shall not be allowed to do that unless you deposit a certain amount of security”. And, as has been pointed out, and very rightly pointed out, that will cripple printing business in this country a great deal.

There are a very large number of small printing presses in this country which will not be able to deposit any security at all. Why should you hamper such men at all ? You can only do that if you really accept the proposition, if you believe in the proposition that printing is a dangerous business. Surely, it is not necessary for my Honourable friend the Home Member to go so far as that. Let him lay down that if there is any press which offends against the provisions of clause 4, that press will be called upon by the Magistrate to furnish security. But why should presses, which have not yet started or rather which have just been started, be called upon to furnish security ? I submit that the Treasury Benches cannot justify this provision at all.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : I cannot quite appreciate the views of my Honourable friends Mr. Gaya Prasad Singh and Sir Abdur Rahim, and I do not agree with them in their arguments. They ask why the business of printing should be made to deposit security. Mr. Gaya Prasad Singh stated that every one in the eye of criminal jurisprudence, not only of Britain but of the Romans, I believe, is supposed to be innocent unless there is a trial held and the guilt is proved.

**Sardar Sant Singh** : You will find an illustration to support your view from the French jurisprudence where a man is presumed to be guilty till he is proved to be innocent.

**Mr. K. Ahmed** : If my Honourable friend will go to his own town—I do not know the district he comes from (*An Honourable Member* : “Lyallpur.”)—but if he comes to my town the City of Calcutta, he will find there is a Corporation there for which my Honourable friend, Mr. Amar Nath Dutt, has great respect because many gentlemen of his class make their living out of it and are very busy with regard to the public life of the country. Sir, we have got an avocation of life, the same avocation that Sir Abdur Rahim had 20 years ago, namely, the profession of a lawyer. (*An Honourable Member* : “He is still a member of the Calcutta Bar.”) But I do not think he takes out a licence from the Corporation of Calcutta. Sir, before we start our profession, we have to pay a deposit of Rs. 50 to the Municipality and take out a licence ; otherwise you cannot carry on your trade.

**Sir Abdur Rahim** : Is that security ?

**Mr. K. Ahmed** : I will give you another case of security. But will there be any sense if you go and say to the Municipality, “We are all

[Mr. K. Ahmed.]

innocent. We come from England. We are barristers, and why should we take out a licence? We have got the liberty to practise anywhere we go."

**Sardar Sant Singh :** Is there no distinction between taking out a licence and being bound down under a security?

**Mr. K. Ahmed :** If you like, take another illustration. Take section 110 of the Criminal Procedure Code. If there is any information that a man is liable to commit an offence, or that it is a bad livelihood case and he is aiding and abetting the commission of certain offences, even though there is no proof, but only a rumour or information, then a First Class Magistrate or a Sub-Divisional Magistrate can call upon him to show cause why he should not furnish security, in which case will not my Honourable friend go and say, "In that case I stand surety for the man in the meanwhile before his case will be heard"? The man is innocent before his guilt is proved, and in the eye of the law he is presumed to be innocent, and I fully agree with my Honourable friend in that. The printer here also before he starts his business has to take out a licence and deposit money. That deposit is not a penalty. As my Honourable friend, Mr. Studd, pointed out, do we not deposit before the returning officer at the time of nomination for election to the Legislative Assembly a certain amount of money? Mr. President, you had also to give a security of Rs. 500 before you filed your nomination paper. (*An Honourable Member :* "Is that surety or deposit?") That is surety and security of Rs. 500 but here in the case of the printer it is deposit only and in case of liability arising, forfeiture would follow. Until the guilt of his

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client is proved under section 110, he has either to deposit Rs. 500 or Rs. 1,000 or Rs. 2,000 or get some one to stand surety for him that he will take his trial. Similarly there will be a trial of the printers. Under the law of evidence they could not admit the evidence of the innocence of the printers for whom my friends appear. I ask them to agree with me that this clause is not in contravention of any principle of jurisprudence or criminal law. I am speaking simply as a disinterested person and I have heard the arguments on both sides. I should like to see a happy and prosperous Press in India, but the Government find that the trade is not carried on properly. Suppose a dirty press is started in the slums of Calcutta; and it has no means to pay the penalty which the Magistrate may impose on it. In that case how are you to punish it? I should like my Honourable friends to satisfy me on that point. Will they quote any law or principle of jurisprudence to support their view? I think, Sir, that their arguments have no leg to stand upon, and I challenge my friends from the opposite side to convince me how I can be in a position to agree with them.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : As one who had served on the Select Committee of the Press Bill I think I must offer a few observations on the very reasonable amendment of my Honourable friend, Mr. Sitaramaraju. At the very outset I must dispose of the last speaker who made a very serious speech which is not in keeping with his usual role as a humorist. I never thought that the expression which has been used could be true in regard to his case, an expression often used very ungenerously in regard to barristers—"Scratch a barrister and you find a bureaucrat".

(Laughter.) His argument was worthy of a supporter of the Bill and not an interpreter of jurisprudence.

**Mr. K. Ahmed :** I never was a supporter. I heard both sides. There is no argument to support the other side.

**Mr. C. S. Ranga Iyer :** I never thought that my friend had the capacity of facing both ways. (Laughter.) That is in keeping with our humorist's role.

Leaving his arguments aside, let me come to the point at issue. So far as any newspaper is concerned, our position is that no new newspaper should start with a millstone round its neck. Why should not every man who wants to keep a press or publish a paper be given an opportunity of starting on a clean slate? That opportunity is not denied under this section, but I do say it is vested in the discretion of the Magistrate and Magistrates being human beings and entrusted with the responsibility of keeping order within their domain, do not always see eye to eye with those who have sometimes to carry on a raging and tearing campaign. Why should the Magistrate be the judge of what is good and what is bad before the press has had an opportunity to sin against even his own opinions in regard to journalistic wisdom or unwisdom. That is our whole case in a nutshell. The Magistrate is a judicial officer too and strictly speaking is under the control of the High Court and in this particular matter the Magistrate is liberated from the jurisdiction of the High Court. When a security is demanded from a new press, there is no provision for appeal against that security to the High Court, and unless and until Government concede this very proper, this very legitimate and this very reasonable demand of ours, that the order of the Magistrate in regard to the demand of security from a new press must be subject to appeal to the High Court, as in the case of the old press, unless and until Government have the reasonableness to concede that demand, we on this side will not only oppose this measure but also press this point to a division. Sir, I hope and trust that the Honourable the Home Member will not take shelter under the argument that this provision is made because it is a provision to prevent masquerading by a new press man because an old press has been suppressed. Sir, after all, by trying to hit at a new press man because he happens to be the agent of an old press man who has already come under the security section of this Bill, by trying to take action in that manner, they are putting in the hands of the Magistrates a weapon which he can with equal facility use against anyone who starts a new press with no old connections, or carries on a constitutional campaign,—and I include, as the late Mr. Gokhale used to do, passive resistance under constitutional campaign. My fear is this, that Magistrates do lose their equilibrium, they are thrown off their balance when there is a movement which they find it difficult to control, which does not give them peace of mind.

Sir, standing as we do between the opening of a new era and the closing of the old, standing as we do at the parting of the ways, the going away of an old bureaucracy and the coming in of a new democracy, there will be agitation, and agitation which will disturb the peace of mind of the best of Magistrates, and this agitation will be carried on by means of the newspaper press; and I would not, Sir, allow the Magistrate to set up the standard of journalistic propriety. It is much better to censor the press, it is much better to stop the publication of newspapers, it is much



[Mr. C. S. Ranga Iyer.]

better to issue a ukase from the Viceregal Lodge, as they often did before, saying that newspapers must not be published until they fulfil this, that or the other condition ; it is much better to do that than to come to us and ask us to put a weapon in the hands of the Magistrate which, judging by our experience in the old days of the Press Act, has not been used satisfactorily. Sir, a tree is judged by its fruits ; and the Magistrate will be judged by his past actions ; and judging him by his actions, we are unwilling to put that power into the hands of the Magistrates. Therefore we request the Home Member to concede this very reasonable demand, the concession of which will not only appease public opinion in this country, but will also go a long way in the direction of ushering in a proper atmosphere for the new constitution, but the non-concession of which will only prove that the Government are unwilling to move with the times, but are willing to be as irresponsible as they have been irresponsible.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, before we decide whether this clause should be taken away from the Bill or not, we have to see why this Bill has come in. We know, Sir, that in the past the Press or a certain section of the Press has been indulging in something which requires to be stopped, and that thing was incitement to some offence which amounts to murder, or sometimes when they eulogize people who perpetrate the murder of innocent people. When we have got this point of view to remember, then we can only judge whether the Press had been behaving in the past or in the near past in such a way that they could be left entirely alone or could be believed to be absolutely innocent. We know there have been cases which could have been stopped if the Press had not incited them. Now remembering that, and also bearing in mind that this Bill is going to last for only one year—it may of course be extended for another year but that does not matter ; at present it is to be enacted for one year only—we have to judge all the arguments that have been advanced by the supporters and by the Mover of this amendment. The chief point which has been taken by the Mover of the amendment and by the Honourable Sir Abdur Rahim and the Honourable Mr. Gaya Prasad Singh is that this order should not apply to a man who starts a press for the first time, and that it will be a great hardship if any order demanding security is passed against a man who comes for the first time to open a press, as it might stop him from entering upon the enterprise of printing. Well, Sir, when it is remembered that this Bill is going to last only for one year, I do not think that this argument, that it will cause great hardship to new enterprises, has got any force. I think the people who will within one year start printing presses are not going to be very large ; there are already printing presses which are existing and about which the decision can be made in one day as to whether they are really treating their liberty as licence or utilizing their liberty properly. Now people who will come up in the future and start a press within one year can be counted on one's finger's ends, and the whole argument which has been advanced falls to the ground when we take these two elements into consideration. Then, a second thing is, supposing a man starts a press which is quite a new press, but the man is an old sinner, what has my Honourable friend got to say in that respect ? If there is a man about whom we know that he had been exciting and inciting people to commit murder and other offences against which this Bill is aimed, and

this man comes up as the possessor of a new printing press, will my Honourable friend want that security should be asked from this man, or should not be asked? I am certain, Sir, that my Honourable friend has not got this object in his mind. He will come up at once and say that this is not the proper man; but although he starts a new printing press, he is the same man who had been committing this crime in the past and he should be asked for full security. Sir, if this clause (i) of sub-clause (3) is taken away as a whole, what is left with the Government to enable them to judge whether they should ask security from a man of that character who starts a new enterprise? This is the only clause which can give power to the District Magistrate to demand a security that this man may behave properly. He of course has got a certain period within which to pay, and if the Local Government do not make any order in this respect, then the whole security will be refunded. Then another objection which has been raised by Honourable Members on the opposite side is this, that the security which may be demanded may be very high for a poor man. But I must point out that the security which may be demanded may not exceed Rs. 1,000—that is the maximum. If a poor man starts a little printing press which may be worth about Rs. 500 or Rs. 600, a security of Rs. 10, Rs. 15 or even Rs. 50 or Rs. 100 may be demanded from such a press, and there will be no hardship I think. So if the press is worth lakhs of rupees—and you cannot get a press for less than Rs. 7,000 now-a-days—the demanding of a security for Rs. 100 or Rs. 200 from this man to ensure his behaving properly for one year—because this Bill is not going to last after a year—is not too much in present circumstances when we are having murders in all provinces and everywhere. I think, Sir, this point has been too much stressed and only a pathetic scene has been sketched where there is no real foundation for it.

The second is the legal difficulty. My friend wants that the whole of sub-clause (1) should be deleted. That means that the proviso in sub-clause (1) should also go with it. The proviso reads :

“ Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.”

Supposing a man has got a printing press to-day and incites to murder; he is then asked to give security and then sells the press and starts another with the same management, what are you going to do? How are you going to cope with the situation in these circumstances? You cannot, unless you have this provision. Another thing is that when you make a law, you must take into consideration all kinds of things which might happen. The point is, do you want to stop murder or not? Do you want to stop the incitement to murder? If you want to do it, you must do it frankly and openly. If you do not want to do it, throw it out, I do not mind at all.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Can you stop murder by this Bill?

**Mr. Muhammad Yamin Khan** : You can certainly stop the incitement. Theft and murder are punishable under the Indian Penal Code, but you have not been able to stop them. So you cannot stop murder by this Bill but you can stop the incitement to a certain extent.

[Mr. Muhammad Yamin Khan.]

Then, Sir, if you take out sub-clause (1) from clause 3 what is left ? Sub-clause (2) will be left and it reads like this :

“ Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months ”, etc.

Now, Sir, take away this sub-clause (1).....

**Mr. B. Sitaramaraju :** But there are other amendments.

**Mr. Muhammad Yamin Khan :** I am not dealing with them. But supposing the other amendments fail and this amendment is carried then what is left ? My friends ought to have given one amendment which would be comprehensive. But I do not find any amendment in the name of my Honourable friend there. There are amendments in the names of other Members.

**Mr. B. Sitaramaraju :** Look at No. 19.

**Mr. Muhammad Yamin Khan :** Supposing that fails and this amendment is carried, then the Bill will be an absurd Bill.

**Mr. Gaya Prasad Singh :** Even this will not be carried. (Laughter.)

**Mr. Muhammad Yamin Khan :** Yes, this should not be carried. Therefore, even besides the legal difficulty I find that the amendment which has been proposed by my Honourable friend cannot be supported on its merits and I oppose this amendment.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Sir, as one who served on the Select Committee of this Bill I should like to make a very few observations. The principal argument of the other side as to why sub-clause (1) of clause 3 should be deleted from the Bill was based, as I understand it, on the universally accepted principle of criminal jurisprudence that every man should be presumed to be innocent until he is proved to be guilty. It is that very principle of criminal jurisprudence, Sir, that impressed itself upon the members of the Select Committee when they altered the original provision of the Bill into the provision as it now stands. You are aware, Sir, that in the original Bill the Magistrate as a matter of course demanded security from every keeper of a printing press unless for reasons to be recorded in writing he chose to dispense with that security. That may be a contravention of the principle of jurisprudence that every man is presumed to be innocent until he is proved to be guilty. But the Select Committee have altered this provision. The present provision says that the Magistrate would, as I understand it, ordinarily dispense with security except for reasons to be recorded by him in writing. Therefore instead of violating the general principle of criminal jurisprudence which has been so often enunciated on the other side, I beg to submit that the clause as altered by the Select Committee emphasises that principle. But it may be asked, if a Magistrate in the exercise of his discretion demands security to be furnished, why should not that order demanding the security be appealable in the High Court ? Sir, we are aware that there is a clear distinction in matters of administration, between matters which are justiciable and matters which are not justiciable. The Magistrate who would pass such an order would pass it upon information supplied to him or upon evidence placed before him which it would not be prudent or discreet to publish to the world. In such circumstances what materials would the

High Court have, assuming the matter was made appealable? Only the other day I think this Assembly by a very large majority rejected a motion that all orders passed by a Magistrate under section 144 of the Criminal Procedure Code should be appealable or should be open to revision by the High Court. And all the reasons that prevailed in this Assembly then are precisely the reasons that can now be urged in support of this measure.

**Sir Hari Singh Gour :** May I ask my Honourable friend if he means to imply that orders under section 144 are not revisable by the High Court? If he says that, he has forgotten his law.

**Dr. F. X. DeSouza :** My point is this that whenever a Magistrate acts upon evidence which it is not prudent to disclose, then I say it would be wrong to allow an appeal to be made or a revision to be filed in the High Court for the simple reason that the High Court will have nothing before it upon which to base its interference. After all, why should we presume that every District Magistrate should act so arbitrarily or simply on a mere whim? The District Magistrate is a person in authority entrusted by Government with the maintenance of peace and order in the district. As it happens, Sir, a large number of districts are now administered by Indians who may be supposed to be in touch with the public feeling and public opinion in their districts. Why should you assume that the Magistrate always acts harshly and arbitrarily and if he acts arbitrarily, is there no check on his arbitrary orders? I understand—I am speaking subject to correction—any order passed by the District Magistrate under this clause would be appealable to the Local Government. Shall we assume that the Local Government will always endorse any arbitrary or hasty action passed by the District Magistrate?

**Mr. Gaya Prasad Singh :** The Bill does not provide for any appeal or anything of the sort to the Local Government.

**Dr. F. X. DeSouza :** It is the inherent power of the Local Government to revise all orders passed by the District Magistrates or other officers subordinate to it. Mr. Ranga Iyer spoke in very eloquent terms that this is an inopportune time—just when we are on the parting of the ways between a bureaucratic Government and a democratic Government. I entirely agree with him. It is that very consideration which will influence the District Magistrate and the Local Government which will make them, entering as they do on the threshold of a new era, refrain from passing an order hastily and arbitrarily without due caution. After all, taking security from a keeper of the press for publishing a matter inciting to violence, is it such a severe penal action as Honourable Members on the other side seem to make out? In the course of a career which I venture to say is not dishonourable, I do not know how many times I have been called upon to furnish security. When I joined my College in Cambridge, I had to deposit caution money. What was that for? For fear that I should make default in payment of College bills. When I joined the Inns of Court in London I was asked to deposit a large sum of money by way of caution money. Nobody could regard that as anything derogatory or as anything savouring of penal action. Sir, with all deference to the arguments urged on the other side, I venture to think that the clause as now amended by the Select Committee is a very mild clause and is necessary at a time when there is a great danger

[Dr. F. X. DeSouza.]

of irresponsible presses publishing articles of violence. I think it is the least that the Legislature can provide.

**Sir Hari Singh Gour :** Sir, my Honourable friend who spoke last spoke of the impeccability of the District Magistrate. If that had been his real and true opinion, he would not have filled the position of distinction on the Bench in and for so long correcting the vagaries of the District Magistrates. But, Sir, circumstances alter cases. To-day he stands as a spokesman of Government and he says that when he was in college he had to pay caution money. When he was in the University he had also to pay certain caution money. So where is the harm in taking a security ? Sir, according to that argument if you are to take security from my Honourable friend against a possible pick-pocketing by him, he would have no objection and that, I submit, is his whole argument. Where is the harm if you take security ? Sir, the taking of a security is in itself a disgrace, and no self-respecting man, no self-respecting member of society will submit to it unless a proper cause is shown against him. The reason why we on this side of the House oppose the going in of this clause as a part of the statute is that you take security from a man who comes before you as an innocent keeper of a public press, and what right have you to take security from him ? My Honourable friend says that the Magistrate has been given the discretion to dispense with security. Now I will ask the Honourable Member and his other protagonists in this view as to what is meant by the words, " The Magistrate may, for reasons to be recorded in writing ". What are going to be the reasons which the Magistrate will record for dispensing with the security ? Will he say, " This man has come with a red turban and consequently he is painted red and I shall demand security " ? Supposing the Magistrate passes an order of this character, is it or is it not open to appeal or revision by the High Court ? The whole thing may turn upon one narrow issue. The executive are calling upon the aid of the judiciary for the purpose of upholding the integrity of the Press. It is a fundamental principle of law, and I am sure my Honourable friend must have learnt it in his school days, that if you apply the judicial machinery, you can only do so subject to judicial control. That, I submit, is the principle. That, I submit, is the fulcrum of the whole case. Here the executive are calling into requisition the services of the Judge. Is that Judge a subordinate Judge ? Is that Judge to act independently of the High Court ? Can my friend say that that is a principle which he can tolerate for a single moment ? The whole judicial principle administered by the British Government in this country, and indeed by all civilised countries, is that all subordinate judiciary shall be subject to the superintendence, direction and control of the supreme judicial authority. You have, therefore, in this case, enlisted the services of a judicial officer freed from that control which the High Court exercises and must exercise under the British Act of Parliament over all judicial officers. That, I submit, is the point. My friend says if the District Magistrate commits an error, the man can appeal to the Local Government. Sir, I have still to learn that the Local Government is a judicial authority. I have still to learn that there is any provision in this Bill to that effect. I would give way to my Honourable friend if he will point out to me any clause in the Bill which permits the person against whom an order for security is made, to appeal to the Local

Government. He might just as well have said that the man against whom a wrong order is passed will take his revenge in heaven. That is exactly what it will come to. (Laughter.) The Local Government is the moving machinery in this matter. The Local Government in many cases—I do not say in all cases—receives confidential reports from their C. I. D. and in a mechanical fashion passes them on to the District Magistrate. The District Magistrate has a dual capacity. He is the head of the district police and he is also a District Magistrate and as such a Judge. In his one capacity as a policeman he says, this fellow is a bad fellow. At any rate if he is not a bad fellow, he is the son of a bad fellow because I knew his father. So he comes up and says, "Well, I knew your father. Your father was a bad fellow and you give security". There he is using his knowledge of the policeman for determining the case as a Judge. In his character as Judge he passes an order, which amounts to abuse of authority. Can he give me any redress at all or not? That is the whole short question. Speakers on this side say that when you find that any matter is made justiciable by having recourse to a judicial authority and you want the co-operation of a Judge, that co-operation will be only forthcoming subject to the salutary rule that the co-operation is subject to final judicial control. That being the principle, a principle which I enunciated yesterday and against which nothing has been said and nothing indeed can be said, how can you possibly resist the motion that has been made before the House?

I therefore submit that the apologists of Government have no reason on their side; they merely rely upon the fact that at the far end of the session, the ranks of the Opposition are thin, and you with your disciplined cohorts are able to carry everything before you. If you rely upon that, you rely upon main force; you do not rely upon reason. We are asking you to rely upon reason and if there is going to be a decision on these questions upon the fundamental principles of reason and fairplay, then I say you have got no case at all. This is one of the four points I made yesterday; this is one of the four points which I asked the Government to consider seriously. They have not yet considered it; it will be too late for them if they do not consider it now. It may be that you may defeat this motion, but what will be the result? The whole of the intelligentsia in the country will feel seriously aggrieved that you have put into service your majority on the last or a few days before the last day of the session, and taken advantage of the absence of the elected representatives of the people, and placed upon the Statute-book a Bill which as far back as 1878 was the subject of popular clamour. That is the Bill which you have re-introduced with, I admit, some difference. I was in the Select Committee and I then pointed out to you, and in our dissenting note you will be pleased to observe, that five elected Members representing this side of the House have pointed out the serious defects which still lurk in the Bill as it has emerged from the Select Committee. Those are the defects you have got to remedy and rectify. If you do not rectify them to-day, I am sure you will be repenting that you did not act upon the counsel which you profess to follow, namely, to do right, no matter whether you have a majority at your back or whether we have a majority at our back. You are now trampling under foot a fundamental and cardinal principle of English law and Indian law, that whenever you apply for the co-operation of a judicial officer, that judicial officer being subordinate must be subject to correction by the highest

[Sir Hari Singh Gour.]

judicial authority in the country. You cannot deny that. Section 107 of the Government of India Act gives the High Court power of superintendence over all courts subordinate to itself. As such the power of superintendence over the proceedings of the District Magistrate exists in the High Court ; and we have no power to modify, much less abrogate, an Act of Parliament. So, whatever you may do, I submit you will be running counter to the very spirit and the very letter of the British Act of Parliament.

Some of my friends who have made a study of the constitution of this country will remember that in 1919 Sir Courtney Ilbert appeared before the Joint Parliamentary Committee and gave a list of nearly 50 Acts of the Indian Legislature which he said had been passed in violation of the fundamental principles and were otherwise *ultra vires*. This might perhaps add one more item to that list. Do not err with your eyes open on a principle, the recognition of which is now universal and will not in the slightest degree impair the utility and the function of this Act. It will only give the District Magistrate a real judicial power ; he will have to record such reasons as will stand the scrutiny of the High Court. That is all the difference. When the District Magistrate knows that his word is law and that his orders are not open to appeal by the High Court, he may pass any order he likes, and the mere fact that you have asked and the members of the Select Committee have asked that he will record his reasons is not enough. Who is going to read those reasons ? Who is going to weigh those reasons ? Who is going to pronounce upon the validity of those reasons ? He may record any reason he likes. The reasons may be good ; they may be bad and they may be perverse. It is for that reason that the principle of law is that all subordinate judicial officers' orders and judgments must be open to appeal and final revision by the High Court. How can you make this section an exception to that rule ? That is the point we have been labouring ; and amongst the various scattered amendments on this Bill you will find that you always run against this great principle. Are you going to obtain the assistance and co-operation of a judicial officer free from that judicial control which is a recognised principle of the British and Indian constitution ? (Applause.)

**The Honourable Sir James Crerar :** Mr. President, I am not surprised at, nor do I make any complaint of, the fact that the attention of Honourable Members opposite and of the critics of the Bill has been concentrated upon this particular provision, because indeed my own case is that this particular provision is vital to the whole Bill ; and that if it is not included in the Bill, I should not consider it worth while to proceed any further with the measure. In the criticisms which have been made of this particular provision, it seems to me that there has been on the part of Honourable gentlemen opposite a singular misconception of the position and a singular failure to face the plain facts of the position. The suggestion broadly has been that in perfectly normal times Government have gratuitously and deliberately undertaken a piece of superfluous and exceptional legislation. I shall advert to that point later. But my immediate purpose is to point out that even if we make the absurd assumption that the circumstances are normal and proceed from that proposition to the further proposition that this Bill is a com-

plete violation of the fundamental rules of jurisprudence and of administration, then I join issue at once on that preliminary issue.

**Mr. K. Ahmed :** Hear, hear.

**The Honourable Sir James Crerar :** The Honourable and learned gentleman from Bengal, who at one time occupied and decorated a seat on the Bench of His Majesty's High Court of Judicature at Fort St. George, alleged that there was an obvious defect in this Bill in that it proposes to select one particular trade, a legitimate trade, a harmless trade, by invidious discrimination from all other trades. Now, let me examine that proposition in the first instance and consider whether it really is a complete or even a reasonable approximation to the position. Is it a fact that the law does not recognise differences mainly based on whether a trade is or may be dangerous to the public? Are there no prescriptions of law? Are there no practices of administration based upon the practice of law which do lay special restrictions on trades and occupations which are noxious or dangerous to the public?

**Sir Abdur Rahim :** May I know if this is a noxious trade?

**The Honourable Sir James Crerar :** I would merely point out, and I think the Honourable Member will admit the fact that the law does make discriminations in the interests of the public.

Now, we come to the question of the printing trade. That trade is no doubt one of the most valuable trades which can contribute very greatly and which has contributed very greatly many public benefits, but what we are asserting in this particular context is that a certain section of that trade, under circumstances which are quite exceptional, and which we hope will be temporary, is quite definitely dangerous to the public and ought therefore to be controlled. Now, Sir, is the general proposition that a person who may be dangerous to the public should be required to give security, although he has not been convicted of some specific offence, entirely unknown to the criminal law.....

**Sir Hari Singh Gour :** Who is going to be the judge of it?

**The Honourable Sir James Crerar :** My reply is to the contention which is alleged against the whole of this Bill, that it is completely and fundamentally opposed to all principles of law, on the ground, that a conviction for an offence must in all cases precede reasonable precautions in the public interests. I deny that is an unreasonable principle of law, and I deny that the main principle, the fundamental principle of jurisprudence to which the Honourable Member has referred is violated by this Bill.....

**Mr. B. Das :** A matter of opinion.

**The Honourable Sir James Crerar :** Now, Sir, I pass on to the second proposition. It has been suggested, as I remarked before, that Government are proceeding gratuitously, quite unnecessarily in perfectly normal circumstances to introduce a measure, violating, as Honourable Members opposite suggested, every decent principle of administration or of legislation. Do Honourable Members completely close their eyes, do they entirely deny the circumstances which compel Government to bring forward this measure? As I listened to the arguments of the Honourable and learned gentlemen opposite, I felt by some curious attraction or repulsion,—I do not know which—they had ceased to regard themselves as statesmen in this House, but as lawyers engaged in special pleading not on a public cause but on some private



[Sir James Crerar.]

issue. Every argument which has been adduced by Government and the evidence which has been laid before the House to convince it that we are faced with a very serious emergency in this matter, was not seriously traversed, but they have been completely neglected by nearly every Honourable gentleman who objected to this provision.

Now, the second point which I wish to take is the one which has already been referred to before. Sir Hari Singh Gour laid great stress on the fact that Government were, as he alleged, taking a highly improper course in placing a certain responsibility upon District and Presidency Magistrates with regard to this particular provision. He said it is a manifestly, fundamentally wrong thing to do. It was indecent, it was improper, because he said in this particular instance the action of the Presidency Magistrate or a District Magistrate was not to be subject to appeal or revision by the High Court. Well, Sir, my plain answer to him is this, that we on this side have never made any disguise of it that in order to meet a great public emergency we are asking for certain executive powers. The action taken, or which will be capable of being taken, by the District Magistrate or the Presidency Magistrate under this provision is definitely executive action, and I know that there is.....

**Sir Hari Singh Gour :** Don't ask the Judges to help you.

**The Honourable Sir James Crerar :** If the Honourable Member proposes that there should be no application to the High Court even in matters which we contend are properly judiciable matters, then it is entirely open to him to move for the rejection of all applications to the High Court, and when the Honourable Member is driven plainly, palpably to advance an argument of this character to support his proposition, I ask him whether it is fair to suggest that Government are taking advantage of thinness of attendance in that side of the House rather than on the thinness of their arguments.

Now, Sir, I do not think that I need address the House at much greater length, but there are one or two points to which I must advert to which I wish strongly to impress upon the House. Practically the whole of the arguments which have proceeded from Honourable gentlemen opposite have proceeded upon the assumption throughout that every provision of this Act will be deliberately, continuously and invariably abused by the authorities to whom any discretion is given. Now, if an argument of that kind is to prevail with the House, I suggest to them that it will be quite idle for them to undertake any legislation whatsoever, because all legislation is liable to be abused, and it does not matter whether the power which is capable of abusing such legislation is an executive power or a judicial power. Even High Courts themselves occasionally err, and I believe the Judicial Committee of the Privy Council have been under the necessity of pointing that out, but I say that if this is the principle on which you are going to proceed, if you are going to make extreme assumptions of that character, then we may as well abolish ourselves as a legislative body altogether. I do not rely merely on questions of principle, but I appeal to experience. A similar measure but of a much more extensive character was in force last year. I watched its administration with the greatest care. If complaints were made in regard to it, I have not found complaint in any such considerable volume as would lead to the conclusion either

that the provisions of that enactment were consistently abused or even that in their exercise they inflicted any great hardship or inconvenience upon the printing and the publishing trade.

**Mr. B. Das :** Again a matter of opinion.

**The Honourable Sir James Crerar :** The last argument to which I would advert is the one which I first used. Are we to argue this matter as if we were merely debating society or are we to argue it as serious people in a Legislative Assembly ? The main ground which, as I say, has never been traversed or even sincerely criticised on the opposite Benches of this House, regards the necessity, the grave emergency which requires a remedy. Those conditions, Sir, are the fundamental conditions that persist and will persist unless these powers are granted. My complaint against Honourable Members opposite is that at this stage of the debate they have closed their eyes to those facts. They have engaged in purely destructive criticism,

1 P.M. whereas we have pointed out to them that if we do not have provisions of this kind—I accept my Honourable friend Mr. Ranga Iyer's advice that we should not go into details but nevertheless, as has been pointed out in the earlier stages of the debate—it has been pointed out and I think established that if we do not have provisions of this kind, inevitably there will be a constant stream of the most virulent matter published in certain sections of the Press. Honourable Members close their eyes to facts. They have not even attempted to suggest any remedy. My contention, Mr. President, is that we ought to face those facts and to apply the remedy.

**Mr. President :** The question is :

“ That sub-clause (1) of clause 3 be omitted.”

The Assembly divided :

AYES—40.

Abdur Rahim, Sir.  
 Azhar Ali, Mr. Muhanmad.  
 Bhuput Singh, Mr.  
 Chandi Mal Gola, Bhagat.  
 Chetty, Mr. R. K. Shanmukham.  
 Chinoy, Mr. Rahimtoola M.  
 Das, Mr. B.  
 Dudhuria, Mr. Nabakumar Singh.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Harbans Singh Brar, Sirdar.  
 Hari Raj Swarup, Lala.  
 Ismail Ali Khan, Kunwar Hajee.  
 Jha, Pandit Ram Krishna.  
 Jog, Mr. S. G.  
 Kyaw Myint, U  
 Lahiri Chaudhury, Mr. D. K.  
 Maswood Ahmad, Mr. M.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.

Murtuza Sahab Bahadur, Maulvi Sayyid.  
 Parma Nand, Bhai.  
 Patil, Rao Bahadur B. L.  
 •Puri, Mr. Goswami M. R.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Mr. Badri Lal.  
 Reddi, Mr. P. G.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sant Singh, Sardar.  
 Sarda, Rai Sahib Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sohan Singh, Sirdar.  
 Sukhraj Rai, Rai Bahadur.  
 Thampan, Mr. K. P.  
 Tun Aung, U  
 Uppi Sahab Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

## NOES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. B. S.  
 Banerji, Mr. Rajnarayan.  
 Bhargava, Rai Bahadur Pandit T. N.  
 Crierar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dyer, Mr. J. F.  
 Fazal Haq Piracha, Shaikh.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Ishwarsingji, Nawab Naharsingji.  
 Jawahur Singh, Sardar Bahadur Sardar.  
 Knight, Mr. H. F.  
 Lall, Mr. S.  
 Lalchand, Captain Rao Bahadur.  
 Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.

Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Rama Rao, Rai Bahadur U.  
 Ram Chandra, Mr.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Shah Nawaz, Mian Muhammad.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Talib Mehli Khan, Nawab Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yasin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfikar Ali Khan, Sir.

The motion was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I beg to move :

“That in sub-clause (1) of clause 3 for the words ‘one thousand’ the words ‘five hundred’ be substituted.”

In moving this amendment I do not like to discuss the general principle which has already been debated in this House. I merely wish to raise the point that the amount is very excessive. My Honourable friend Mr. Scott said that even in the case of Members of this Assembly it was necessary to demand a deposit of a sum of Rs. 500. If that is so in the case of rich men who come to this Assembly, the amount should not be fixed at an excessive rate in the case of these owners of presses or publishers of newspapers who are generally middle class men. I think we should also take

into consideration the case of honest people who may start a press as a pure business concern. We should not lose sight of the fact that the average income of Indians is only Rs. 2. My friend Mr. Yamin Khan said that this Bill is only for a year or two and that it will affect only a very few people and that we should not seriously consider these things. When I consider it from the standpoint of a principle, I think that even if it affects a single poor man, that should be a ground for this House to take action. In this connection I had my apprehensions and therefore I once rose up to speak on the main clause itself but unfortunately I could not catch your eye, being perhaps far distant from the Chair. As Mr. Studd said in his speech, my apprehensions are that this clause is meant to judge the past conduct of these people. I would like to know from the Honourable the Home Member if it is in contemplation to give this law retrospective effect as well. There are already rumours that the Delhi Administration is anxious to curb the activities of the *Hindustan Times*. Is it to wreak the vengeance of the bureaucracy on the nationalist press that this Bill is really contemplated. Otherwise I cannot see why the amount should be fixed so high. These people will get no chance to prove their innocence in a court of law. We do not know what will be the scope of the measure. A friend of mine who is Secretary of the Journalists' Association, the most representative institution in India, has asked me to find out from the Home Member whether the non-official reports on the Hijli riot, the Chittagong and the Midnapore riots will come under the scope of this comprehensive measure. Then in the last speech of the Honourable the Home Member he said that this House had degraded itself to the level of a debating club. I agree with him to a certain extent. This is the first occasion I have had to reply to that point; I think we have really fallen on evil days. The Benches that were adorned by men like Sir William Vincent, who had the goodness and the statesmanship to repeal these repressive laws, are now occupied by my Honourable friend who is anxious to rush this Bill through in a thin House. I really think that the House has come to the level of a debating society. We are fortunate that the leadership of the House no longer vests in Sir James Crerar. We congratulate ourselves that Sir George Rainy is there, showing a conciliatory spirit. Sir, I protest against the statement of Sir James Crerar. What right has he, representing an irresponsible executive, to rush this Bill through in a thin House? Does it lie in his mouth to make that statement which he did? I thought there would be protests from the leaders. It may come in time. I think, Sir, it is an abuse of the procedure of this House to bring in such an important measure when the House is thin. He will have his way. The other day my Honourable friend Mr. Ghuznavi referred to Sir James as a "spineless Member of this House" but all of a sudden he has become so strange that he is now adamant enough not to hear a word about compromise. I think we have really fallen on evil days. Sir William Vincent, who adorned those Benches, knew the virtues of compromise. He knew when to yield. This is a House having officials and nominated Members. If the country is to judge the real opinion of this House, the question should be decided by the elected Members. Even in this House no measure is passed without a majority of elected Members. I really feel that the prestige and power of this Government will become less if men like Sir James Crerar sit on the Treasury Benches and carry these measures against the almost unanimous voice of the elected Members. If there is

[Mr. S. C. Mitra.]

any sense left, they will consider that. They must not demand from these people Rs. 1,000 as security when they have done nothing. Let them have a chance to begin their work. If you demand a deposit of more than Rs. 500, it will be really destroying the chance of the future expansion of future presses and newspapers in India. Sir, I move.

**Mr. B. Das :** Sir, I rise to support the motion of my Honourable friend, Mr. Mitra. Sir, I do hope the Honourable the Home Member, after listening to the cogent argument adduced by Mr. Mitra, will not say that he has brought those arguments forward as a lawyer only. Sir, I will with your permission quote a passage from the Honourable the Home Member's speech delivered this morning. He said :

"As I listened to the arguments of the Honourable and learned gentlemen opposite, I felt some curious attraction or repulsion,—I do not know which—they had ceased to regard themselves in any respect as statesmen in this House but as lawyers engaged in special pleading not on a public cause but on some private issue."

Sir, I deny this charge against the Opposition. Sir, my friend, Mr. Mitra, has adduced his arguments so cogently in favour of the poor printer that I need express no word in support of that. But I shall refute certain arguments which the Home Member used this morning, in language which was quite unparliamentary, and which he would not have tried to do had he been a member of the House of Commons.

**Mr. President :** The Honourable Member ought to have drawn the attention of the Chair to it if he regarded any expressions as unparliamentary. As soon as any unparliamentary expression is used, it is open to any Honourable Member sitting anywhere in the House to call attention to it. If that were done, the Chair would take action if it was satisfied that the expression was *really* unparliamentary. (Applause.)

**Mr. B. Das :** Sir, I regret that at the time I did not take objection. Now, Sir, my friend the Honourable the Home Member, while he was dealing with the undebatable hard facts which the Leader of the Opposition put forward this morning, ridiculed my leader suggesting he imputed motives against the executive as to wrong interpretations of the clauses of this Bill in actual practice and that my leader said that in actual discharge of responsibilities laid by these clauses on the executive they are liable to conduct which was indecent or improper. Sir, my leader never laid that charge against the executive or the district officials. Then the Honourable the Home Member suggested that there was a singular misconception of the position, a singular failure to face the plain facts of the position on this side of the House on the main principles of the Bill. Sir, I strongly repudiate that statement. I think, Sir, if the Honourable the Home Member was not backed by his 40 men behind him and also by his friends of the European Group, he would not say so bluntly that we do not understand the principle of the Bill or that we do not appreciate his position. He must pay some respect to us, Sir, and must admit that we do possess some intelligence and that we do understand the plain English language. Sir, we are willing to face the singular situation. We have always faced such singular situations. My friend, Mr. Ranga Iyer, and myself have made various statements in this House that we are here to face a particular singular situation, the singular situation that the Government of India Act of 1919 created, namely, that we should be always facing an irresponsible Government containing 26 Government

Members and 10 nominated Members who always flock like sheep to the Government lobby.

**Mr. Gaya Prasad Singh :** They are there for that purpose.

**Mr. B. Das :** Sir, my friend, the Honourable the Home Member made one suggestion which I wish had not come from a responsible Member on the Treasury Benches. He said, speaking like Cromwell—when Cromwell with his Ironsides went to the British Parliament and demanded the impossible and the members of those days did not agree, Cromwell and his Ironsides with sword in hand dissolved the Parliament—Sir the Honourable the Home Member said many nasty things. He may wish to imitate Cromwell. But I know my Honourable friend knows his limitations, his weaknesses ; he knows that if he comes with sword in hand like Mussolini of Italy, he knows that you, Sir, will not permit him to enter this Assembly Chamber. He knows that, although he controls the whole police force in India,—his so-called law and order—he cannot allow his policemen to enter this Chamber, though they are elsewhere located in these premises ; and yet he said that we may as well abolish ourselves as a legislative body altogether ! After this condemnation of the work of this Legislature which the Government sides themselves are party to, let the Honourable Member feel happy with the expressions of views he uttered ; but, Sir, we are here to voice the sentiments, the viewpoint of the people, and we have done that always. There the Home Member is sitting with his Ironsides of 26 Government Members backed by his 13 nominated Members. (*An Honourable Member :* “ Fourteen.”) One of them is on this side—backed I say by his 13 nominated Members, and backed by the Anglo-Indian Press and by the Members of the European Group, and also backed by those few Members in this House who do nothing but always think that it suits their self-interest to follow the Government invariably. Well, nevertheless, if he thinks he can ridicule in this way the chosen representatives of the people, he is entirely in the wrong. I should have thrown out the challenge to him, if he was an elected Member, to resign on this very issue, to resign I say on clause 3 of this Bill, and to contest any seat in any part of India—excepting perhaps the European constituency (Laughter) ; and I would tell him that I would any day defeat him, and probably he would lose his security of Rs. 500 (Laughter). Sir, if my Honourable friend wants executive action, he had it six months ago when he advised the Viceroy to pass an Ordinance. Why does he not again have an Ordinance passed, and thus absolve us the elected Members from taking any responsibility ? To-day, Sir, he, with his majority, with his nominated majority, forces the Bill down our throats and involves us in the responsibility ; and the moment we criticise the measure, the moment we suggest something which will help him to appear in the role of a more civilized Government, more representative of public opinion, he says, “ You are not representative of public opinion ”. Sir, I deny that charge which has been levelled against us.

One other thing I find is that the Honourable Member said that we must face the fundamental conditions, the fundamental conditions that persist and will persist in the country unless these powers are granted. What does the Opposition want ? The Opposition is willing to grant Government such powers as are controlled by judicial action of the High Court. It is not going to give Government any executive power, and if the Honourable Member is going to assume that power, let him go and

[Mr. B. Das.]

advise the Viceroy to include this Bill in an Ordinance and the representatives of the people will not be responsible then for such a repressive enactment.

**The Honourable Sir George Rainy** (Leader of the House) : I should like to submit, Sir, that the Honourable Member is travelling very far from the amendment before the House.

**Mr. President** : That is perfectly true. The amendment before the House is that the amount provided in the clause be reduced from Rs. 1,000 to Rs. 500. At the same time it must be pointed out that the motion before the House is that clause 3 stand part of the Bill. To that motion this amendment is proposed. I hope the Honourable Member will be satisfied with what he has said already on the general aspect of the question and proceed to deal with the amendment now.

**Mr. B. Das** : I thank you very much, Sir, and I bow to your advice and suggestion. Sir, when feelings run high we must divert and digress a little to express our denunciation.

The Honourable the Home Member said that we have attempted to suggest no remedy. Here is a remedy suggested by my friend Mr. Mitra that will alleviate not the rich man but the poor man. My friend, Dr. Ziauddin Ahmad, pointed out that he was very anxious for the Muslim press and for the newcomers among the Muslims who want to take up the printing profession. I hope the Honourable Member will see the reasonableness of it and will accept the amendment as moved by my Honourable friend, Mr. Mitra.

**Dr. Ziauddin Ahmad** : Sir, I rise to support the motion. One of the very important arguments that has been brought forward by the Honourable the Mover of this Bill is that the discussion is reducing the Assembly to the status of a school debating society. I have repeatedly drawn the attention of the House to the fact that the Government are treating the Assembly like a college debating society. But the distinguished Member went one step further. I used the expression, "college debating society" and he considers us a "school debating society". Of course the Government have got the votes in their pocket. They take advantage of the fact that a large number of Members on this side of the House have already gone down. The Honourable Member in charge of the Bill is intoxicated on account of keeping a majority of votes in his pocket ; he can afford to say whatever he pleases. Sir, we on this side of the House also support the phrase that the Assembly is no better than a "debating society" but on entirely different grounds. We call it such on this ground, that our decisions have no value whatsoever in the eyes of Government, and in that sense certainly Government are treating this Assembly as a school debating society.

Sir, I raised four points of principle when I moved that clause 3 be deleted, and I expected that in the course of the day the Honourable the Mover of the Bill would reply to those points. But he did not touch on any of those points, and the only reply he gave was that our argument was only the argument of a school boy. Of course we have in our younger days followed many debates.....

**Mr. President** : I hope the Honourable Member is not going to deal in detail with his three points again.

**Dr. Ziauddin Ahmad :** No, Sir ; I am not going to repeat those points. In college and school debating societies we often indulged in logical fallacy in our replies of this kind, when the speaker advanced one argument and the reply was quite different. In my first speech I very much emphasised the fact that this particular clause is exceedingly hard ; we are really punishing the innocent, and the punishment is also very hard ; because the sum of Rs. 1,000 for a small press, whose value does not exceed Rs. 200 or Rs. 300, is really a harsh punishment, and I strongly advocate that this quantum should be reduced. With these words I beg to support the amendment.

**Sardar Sant Singh :** Sir, I rise to support this amendment of my Honourable friend, Mr. Mitra. Before coming to the merits of the amendment, I want to add my humble protest against the language used by the Honourable the Home Member. I am new to this Assembly, and when I stood for election I thought this Assembly was not as bad as was suggested by the Congress people. But when I reached here, I found that it was worse, not only because it possesses no power to influence the Treasury Benches, but also because the Treasury Benches, instead of acting in a responsible manner, are showing an irresponsibility which is probably inherent in them. And I think, therefore, that there can be no more condemnation of this Assembly than the words which have been used by the Honourable the Home Member to-day on the floor of this House. I know that, soon after the division when we left the place, feelings were running high. I do not know whether the language used by my Honourable friend was unparliamentary or not, because I am new to the Assembly and he has got more experience than I have. But I know this that it was very undesirable, and instead of getting up and making amendments, my friend was laughing in his seat when the ruling was given by the Chair, a laugh which we very rarely see on his face in this House. I am sorry that I have to say, on behalf of the elected Members on this side, that soon after hearing the Honourable Member.....

**Mr. President :** I would remind the Honourable Member that the amendment before the House is to reduce the sum of Rs. 1,000 in clause 3.

**Sardar Sant Singh :** Yes, Sir. I was saying that, I am sorry on this account that those Members who after hearing the Honourable Member voted for the Government did a dis-service to the country. In protest also they should have voted with the popular party.

Now, Sir, coming to merits of this amendment, my submission is that in these days of admitted financial stringency, which does not assail Government alone but has depleted the resources of private individuals as well, to demand such a heavy sum as Rs. 1,000 from a new press,—and for reasons which I need not repeat now as the first amendment has been defeated—will be very unjust. It will be an act of justice that the amount should be reduced from Rs. 1,000 to Rs. 500, especially when the press is a new one and the person who applies for a declaration has not any bad antecedents. I, therefore, support this amendment of my friend, Mr. Mitra.

**The Honourable Sir James Crerar :** Mr. President, in speaking on this amendment, I think I should be careful not to incur your censure, and I shall therefore restrict myself to the merits of the amendment which is purely arithmetical. The Honourable the Mover and those who supported him were



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strongly in favour of the reduction of this amount. I should like to point out to the House that in the Bill which was originally introduced, the amount proposed, following the earlier enactment, was a minimum of Rs. 500 and a maximum of Rs. 2,000, and I submit that in response to criticisms made on this point, Government have already gone a very long way to meet them. As the sub-clause now stands, the Magistrate has got a discretion which in the original Bill he had not got, and the intention of the change made in the sub-clause was of course that the Magistrate should exercise that discretion having regard to the merits of each particular case coming before him. It does not follow, nor is it anticipated, that the Magistrate would in all cases demand the maximum security. He has that latitude. His decision is of course subject to revision by the Local Government. I submit, therefore, that we have already gone a very long way to meet criticism on this point and I very much regret I cannot go further. I must oppose the amendment.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 3 for the words ‘ one thousand ’ the words ‘ five hundred ’ be substituted.”

The Assembly divided :

AYES—32.

Abdur Rahim, Sir.  
Azhar Ali, Mr. Muhammad.  
Chandi Mal Gola, Bhagat.  
Das, Mr. B.  
Dudhoria, Mr. Nabakumar Sing.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Mujumdar, Sardar G. N.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Parma Nand, Bhai.

Patil, Rao Bahadur B. L.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Sohan Singh, Sirdar.  
Sukhraj Rai, Rai Bahadur.  
Thampan, Mr. K. P.  
Uppl Saheb Bahadur, Mr.  
Wilayatullah, Khan Bahadur H. M.  
Ziauddin Ahmad, Dr.

NOES—56.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anwar-ul-Azim, Mr. Muhammad.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Bhargava, Rai Bahadur Pandit T. N.  
Crerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dyer, Mr. J. F.

Fazal Haq Piracha, Shaikh.  
Fox, Mr. H. B.  
French, Mr. J. C.  
Graham, Sir Lancelot.  
Heathcote, Mr. L. V.  
Hezlett, Mr. J.  
Howell, Mr. E. B.  
Ibrahim Ali Khan, Lt. Nawab Muhammad.  
Ishwarsingji, Nawab Naharsingji.  
Ismail Khan, Haji Chaudhury Muhammad.  
Jawahar Singh, Sardar Bahadur Sardar.

NOES—*contd.*

Knight, Mr. H. F.  
 Lall, Mr. S.  
 Lalchand, Captain Rao Bahadur.  
 Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Ram Chandra, Mr.  
 Rama Rao, Rai Bahadur U.  
 Bastogi, Mr. Badri Lal.  
 Row, Mr. K. Sanjiva.

Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Tait, Mr. John.  
 Talib Mehdi Khan, Nawab, Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

**Mr. S. C. Mitra :** Sir, I move :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

My arguments are more or less the same as I advanced on the last motion I moved a few minutes before. I would only like to add this. Let not the world or the Government judge the Indians by the high salaries that we Indians pay to our officers. It is a fact, no doubt true, that the Indian Civil Servants get the highest pay in the world ; but that should not be the standard by which we should be judged that we are a very rich people and we can afford to pay Rs. 3,000 as deposit. That is my submission. I move.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I support this motion of my friend, Mr. S. C. Mitra. I find the proviso says :

“ Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.”

Supposing the previous keeper had been ill and had to go away for *bonâ fide* reasons, and if another man has to take his place, why should three thousand rupees be asked for ? I want the Honourable the Home Member to consider whether he should ask for three thousand rupees in every case. Why not make it one thousand rupees in all cases ?

**The Honourable Sir James Crerar :** Sir, I regret to find myself opposing another amendment by the Honourable gentleman from Bengal. But I have drawn the attention of the House to the fact that on every occasion, so far on which an amendment has been moved, I have been able to show him that the matter has been carefully and sympathetically considered by the Government and that important mitigating changes had been made. With regard to this particular proviso, I should like to point out, in reply to what fell from the Honourable gentleman opposite, that three thousand is the maximum, and his suggestion that three thousand rupees would be demanded in all cases has

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no basis. I should like to point out also that this proviso applies solely in the case in which a deposit has been previously demanded from the same press, and that implies of course that the press must have been a source of offending matter. The position, therefore, is entirely different from that of a new press. There are I think clear and good reasons why this maximum should be provided, and I wish to make it perfectly clear that this is a maximum and not a fixed amount to which the Magistrate must in all cases go.

**Mr. President :** The question is :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

The motion was negatived.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I move :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ two thousand ’ be substituted.”

The reasons have already been given and I do not wish to add any more.

**Mr. Muhammad Yamin Khan :** Sir, I think this amendment may be accepted (Hear, hear from the Opposition Benches) because as the security demanded in the first instance is one thousand rupees. I think it is but fair that the next time it is demanded, it must be the double of that amount. I think double of that amount will meet the case all right. Three thousand does not seem to be fair. Double the amount is quite sufficient and I support it.

**Mr. Gaya Prasad Singh :** Very good arithmetic. (Laughter.)

**The Honourable Sir James Crerar :** Sir, I have very little to add to what I have already said. The amount of three thousand was very carefully considered. It is a very reasonable amount in the circumstances, and I regret I cannot accept the reduction proposed.

**Mr. President :** The question is :

“ That in the proviso to sub-clause (1) of clause 3 for the words ‘ three thousand ’ the words ‘ two thousand ’ be substituted.”

The Assembly divided.

AYES—32.

Abdur Rahim, Sir.  
Azhar Ali, Mr. Muhammad.  
Chandi Mal Gola, Bhagat.  
Das, Mr. B.  
Dudhoria, Mr. Nabakumar Sing.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Hari Raj Swarup, Lala.  
Ismail Ali Khan, Kunwar Hajee.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Mujumdar, Sardar G. N.

Murtuza Saheb Bahadur, Maulvi Sayyid.  
Parma Nand, Bhai.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Sant Singh, Sardar.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Saryendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitarannaraju, Mr. B.  
Sohan Singh, Sirdar.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Wilayatullah, Khan Bahadur H. M.  
Yamin Khan, Mr. Muhammad.  
Ziauddin Ahmad, Dr.

## NOES—54.

Abdul Qayyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. R. S.  
 Banerji, Mr. Rajnarayan.  
 Bhargava, Rai Bahadur Pandit T. N.  
 Crerar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dyer, Mr. J. F.  
 Fazal Haq Piracha, Shaikh.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Ibrahim Ali Khan, Lt. Nawab Muhammad.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Knight, Mr. H. F.  
 Lall, Mr. S.  
 Lalchand, Captain Rao Bahadur.  
 Leach, Mr. F. B.

Masood Ahmad, Mr. M.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Ram Chandra, Mr.  
 Rama Rao, Rai Bahadur U.  
 Rastogi, Mr. Badri Lal.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Scott, Mr. J. Ramsay.  
 Shah Nawaz, Mian Muhammad.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Tait, Mr. John.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Young, Mr. G. M.  
 Zulfqar Ali Khan, Sir.

The motion was negatived.

**Mr. President :** The next amendment is the one standing in the name of Mr. Sitaramaraju, No. 19.\*

**Mr. B. Sitaramaraju :** I do not propose to move that amendment, Sir.

**Mr. President :** Then the next amendment is No. 23.

**Mr. S. C. Mitra :** Sir, I move :

“ That in sub-clause (2) of clause 3 the words ‘ on application by the keeper of the press ’ be omitted.”

I do not know why the Government should not return the money after the period, why it should be incumbent on the owner or the publisher to apply for it again. It is a simple point I think, and I hope the Honourable the Home Member will accept this amendment as a reasonable one.

**The Honourable Sir James Crerar :** Sir, I regret very much that I cannot accept this amendment. I must point out that my objection is in the interest of the keeper of the press whom Mr. Mitra, I think, proposes to subject to a very serious risk. If the money is refunded otherwise than on the application of the person who has deposited it, it is perfectly clear that there is a very serious danger that the money might get into wrong hands. In any case, merely as an ordinary piece of business, this money will have to be paid out from the Treasury on a

\*“ That sub-clause (2) of clause 3 be omitted.”

[Sir James Crerar.]

*chalan* in the ordinary way, and the person who is entitled to the money must necessarily sign the *chalan*. I think, therefore, that the Honourable Member's amendment is a bit misconceived and perhaps on reflection he will consider the advisability of withdrawing it.

**Mr. S. C. Mitra :** I beg to withdraw the amendment, Sir, with the permission of the House.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. S. C. Mitra :** Sir, the next amendment which stands in my name reads thus :

“ That in sub-clause (3) of clause 3 for the words ‘ Whenever it appears to the Local Government ’, the words ‘ Whenever a Local Government is in possession of sufficient proof ’ be substituted.”

My main point is that the language employed is very vague—“ Whenever it appears to the Local Government ”,—and so I want that the words “ Whenever a Local Government is in possession of sufficient proof ” should be substituted to make the language clearer. The point is quite clear, and I hope the amendment will be accepted.

**The Honourable Sir C. P. Ramaswami Aiyar** (Law Member) : Obviously the amendment sought to be moved by my Honourable friend is out of place, because the wording of his amendment is very vague. Moreover, it will be remembered that in clause 23 there is a right of appeal given, and that will make it incumbent upon the authorities to consider what the proof is on which the action is proposed to be taken. It appears to me that considering sub-clause (3) of clause 3 with clause 23, the amendment of my Honourable friend is really beside the point and would not serve the purpose which my Honourable friend has apparently in mind.

**Mr. C. S. Ranga Iyer :** I would suggest to the Honourable the Mover of this amendment in view of what has fallen from the Honourable the Law Member, to withdraw his amendment. Personally I would very much welcome the Local Governments to take action whenever they were in possession of insufficient proof because when our pressmen go to the High Court they will have a chance of winning the case. (Laughter.)

**Mr. President :** The question is :

“ That in sub-clause (3) of clause 3 for the words ‘ Whenever it appears to the Local Government ’, the words ‘ Whenever a Local Government is in possession of sufficient proof ’ be substituted.”

The motion was negatived.

**Sardar Sant Singh :** Sir, before I move my amendment No. 25, I want to submit one thing for your kind consideration. As a matter of fact, this amendment, and amendments Nos. 28, 29 and 35 form part of one continuous amendment of the whole of sub-clauses (3) and (4) of clause 3. I hope you will permit me to move them together.

**Mr. President :** The Honourable Member in moving this amendment may explain the whole position relating to the other amendments also, preparing the House to vote for those amendments in due course.

**Sardar Sant Singh :** May I submit this for your consideration ? Without the other amendments this amendment would be meaningless. If one is carried.....

**Mr. President :** I have pointed out to the Honourable Member that he will be allowed to explain the whole position of all the amendments when moving this amendment. He can thus prepare the House to vote with him on each of those amendments. I will not restrict his speech to this amendment only. In his speech he can bring out all the points which he wishes to make out so that the House may be able to follow his whole case.

**Sardar Sant Singh :** I beg to move :

“ That in sub-clause (3) of clause 3 for the words ‘ Local Government ’ occurring in the first line, the words ‘ District Magistrate having jurisdiction in the place where the press is situated ’ be substituted.”

Sub-clause (3) as it is now worded reads as follows :

“ Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.”

Now, in this sub-clause what I want to substitute is a judicial authority instead of the executive authority, and that is why I propose to substitute the words ‘ District Magistrate ’ in place of the words ‘ Local Government ’ in the first line. You have permitted me to refer to the other amendments also. In line 10, I want for the words ‘ Local Government ’ the words ‘ District Magistrate ’ should be substituted (amendment No. 28). In amendment No. 29, I want for all the words occurring after the words ‘ describing such words, signs or visible representations ’ the following to be substituted :

“ call upon the keeper to show cause why he should not be called upon to deposit security to such an amount not exceeding one thousand rupees as the District Magistrate may think fit.”

Then after this notice has been issued, I want, (amendment No. 35), that,—

“ For sub-clause (4) of clause 3 the following new sub-clauses be substituted :

- ‘ (2) When such keeper appears or is brought before the District Magistrate in compliance with, or in execution of, a notice issued, the District Magistrate shall proceed to inquire into the truth of the allegations upon which action was taken and to take such evidence as may appear necessary.
- (3) Such inquiry shall be made as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases.
- (4) Pending the completion of the inquiry under sub-section (3) the District Magistrate, if he considers that immediate measures are necessary for the prevention of using the press in the manner objected to, may, for reasons to be recorded in writing, direct the keeper of the press to deposit security not exceeding the amount entered in the notice until the conclusion of the trial.
- (5) If upon such inquiry it is proved that the press is used for the purpose of printing matter described in section 4, sub-section (1) and that the keeper should be made to deposit security in money or the equivalent

[Sardar Sant Singh.]

thereof in securities of the Government of India as the person making the deposit may choose, the District Magistrate shall make an order accordingly.

(6) If on an inquiry it is not proved that the press is used for the purpose of printing matter described above the District Magistrate shall make an order discharging the keeper and ordering the refund of deposit, if any, made under sub-section (4) of this section.

(7) If the District Magistrate makes an order under sub-section (5) he shall appoint a date, not being sooner than the tenth day after the date of the order on or before which the deposit shall be made.' "

My submission is that this clause gives power to the executive to demand security without giving any opportunity to the keeper of the press who has offended against the Press law to show cause, or even without allowing any hearing to the person aggrieved. I submit this procedure is not in accordance with the principles of criminal jurisprudence. The executive may be very competent ; they may possess exceptional abilities ; but yet there can be no justice unless the person aggrieved has had an opportunity to put his case before some judicial authority. Sir, the penalising of an individual in whatever manner it may be, is not the object of any civilised administration.

If we look at the procedure prescribed in the Criminal Procedure Code of this land, we find that it is not doing the justice that is insisted upon but it is the impression created on the accused that justice has been done to him that is insisted upon. For that reason there is section 371 of the Criminal Procedure Code which makes it obligatory upon the Magistrate to supply a copy of the judgment to the accused. The accused can also insist that the judgment should be translated in the vernacular of the accused, so that he may be able to understand on what material he has been convicted. Now, this system is in vogue in India. Although there are certain exceptions in the Criminal Procedure Code, which were referred to by my friend, Mr. K. Ahmed, when he was quoting sections 109, 110 of the Criminal Procedure Code, I quite see that according to the strict interpretation of the principles of criminal jurisprudence, these sections do not strictly follow those principles. They are rather the exceptions which have been made in the criminal law of India. In England nobody is punished except for doing an act which is regarded to be an offence. Now, these preventive sections are not consistent with the principles of jurisprudence. Therefore, they should not be a guide to us in making future laws. If the practice is permitted to grow that the executive should replace the functions of the judiciary, then the position indicated in the following story will come into existence. An Anglo-Indian of the type of my friend, who sits on the Treasury Bench, was passing by the Houses of Parliament. He inquired what those buildings were and he was told that they were the Houses of Parliament. He was heard to say " Is this rubbish still going on ? " If all the power is transferred to the executive, then we are coming to the days when the executive will virtually rule. As a matter of fact, the principles of democracy demand that no law should be made except with the willing consent of the people. Unfortunately, in this country we have only got an imitation of Parliamentary institutions. The form is observed but the reality is wanting and we are asked to give our opinion in a particular piece of legislation. Under the guise of passing the law through the Legislature, the executive is grasping all the power in its own hands. If the executive is

to perform judicial functions as well, then the sooner the Legislature is abolished the better, because we will not be guilty of hypocrisy at least. Suppose for the sake of argument the necessity for this measure exists. Concede also the objection taken by some of the elected Members that we are not going to assist the murderer to have a free hand in this land. Assuming these two facts to exist in this country, the question still arises—are you going to hang the murderer without trial or are you going to give him a hearing at all. If you hang without trial, then in these days of financial stringency, you had better abolish all the High Courts and posts of Magistrates. That will be giving short shift to all judicial administration. If you want to defend the liberty of the subject, then my submission is that judicial authority should reign supreme. It is an unfortunate state of affairs in this land, that even the judiciary is not independent. In the lower rungs, the Magistrate is not only the judicial but also the executive officer. I have been practising for a quarter of a century in a mofussil court, and my experience is that in trying political or semi-political cases, the Magistrates, with rare but noble exceptions, act on the hints derived from the executive authorities. Not only that, judicial pronouncements amounting to conviction and sending the accused to jail have been made on a word from the District Magistrate. The Magistrates have also said openly that they are helpless in these cases. I wish this House could appoint a committee of inquiry and I can produce thousands of witnesses to say that Magistrates have openly said that they are helpless in such cases. If this state of things will not open the eyes of those who are responsible for the administration of justice, I wonder what will. Knowing these facts and feeling as I do, I would certainly not be a party to legislation which places power in the hands of the executive. For three quarters of a century we have been demanding the separation of judicial from executive functions, but still that reform has not been carried out. These grievances will probably remain till the present form of government is crushed away. Whatever the Magistracy do, let us have at least a form of trial. Give the accused a chance to defend himself. In that case the person aggrieved will have one satisfaction at least, that he has been heard. My submission is that the judicial authority will have the grace to give an opportunity to the accused to defend himself before he is punished. Here security to the extent of Rs. 3,000 is to be demanded without giving any opportunity to the culprit to be heard. My Honourable friend has refused to accept the amendment for reducing the amount to Rs. 2,000. Demanding a security of Rs. 3,000 means the strangulation of the press, the shutting up of the man's shop and sending him away. It means the ruining of the career of a man, and it means restricting the liberty of trade and freedom of action. Under these circumstances, Sir, my submission is that this clause should not stand as it is. Even in respect of the Act of 1910, Sir, I would like to quote our late friend, Mr. K. C. Roy, whose death we all mourn here. Let us see what was his opinion about the Press Act of 1910 and about this executive action? He said :

“ I was present at the meeting of the Imperial Legislative Council on the 4th February, 1910, when the Press Act was introduced and am fully conversant with the discussions both in and outside the Legislature. While admitting that the presence of anarchy and anarchical crime demanded drastic treatment, I was not in favour of the Bill then, and ten years' working of the Act has but confirmed my earlier opinions. I am therefore prepared to ask the Committee to consider its repeal on the following grounds :

- (1) That the Act has failed to achieve the object which its author had in view ;



[Sardar Sant Singh.]

- (2) That the loyalty of the press has generally stood the test of a Great War ;
- (3) That the political ideals have changed (" Swaraj ", " self-determination " and " rights of subject nations " are now accepted political doctrines. Pressmen prefer taking responsibility to evasion of law) ;
- (4) That it has affected the growth of a healthy press in India ;
- (5) That it has added to the discontent among the Indian people ; and
- (6) That the Act is not in keeping with the spirit of the reforms."

My submission is that herein our late esteemed colleague gave that Committee to understand that the Act had added to the discontent of the Indian people. From the day this Press Act was introduced, there has been protest after protest from all quarters of the country. Not only that, I would like my Honourable friend the Home Member to point out a single opinion of a single individual—of course that of an Indian, not a European or one of European descent—who has blessed this Act. On the contrary even in to-day's telegram it is stated that the Press of Calcutta observed a hartal and did not issue any newspaper on account of this Press Bill. Will my Honourable friend add to the contentment of the people by proceeding in that way ? My submission is that if he wants to win the confidence of the public, then the least that he can do is to substitute judicial action in place of executive action. Similarly, in the written statement of Mr. Kali Nath Roy, the Editor of the *Tribune*, we find him saying :

" The absurdity of making the executive the judge in their own affairs—for they are as much a party to every action taken against the Press as the Press itself—is self-evident. No newspaper need exist if it does not fearlessly criticize the Government, whenever necessary, especially in a country which is not under parliamentary government ; and to place the Press at the mercy of the Executive Government as the Press Act admittedly does, is to say that this function shall either not be performed by the Press at all or at any rate shall be most inadequately and perfunctorily performed. It is no argument to say that in spite of the Press Act there is a good deal of strong and independent criticism in the country. The fact that there are men who are prepared to do their duty regardless of consequences does not divest an arbitrary, obnoxious and totally indefensible measure of its objectionable features."

Herein, too, Sir, the point emphasised by the witness is that the executive authority should not be permitted to keep the destinies of the Press in their own hands. Similarly, further on in his statement he said :

" Any modification of the Act, to be acceptable to the Indian public, must take these salient facts into account. It must restore the principle of liberty to its original position, and it must give the Executive no control whatever over the Press."

Sir, these are views expressed in 1921, after the Press Act had been in working order for eleven years, in the light of its working for eleven years. The Committee gave their opinions in paragraph 7 of their report as follows :

" On an examination of the third aspect of the case, *viz.*, the comparative advantages and disadvantages of retaining the Act, we find that, while many Local Governments advocate its retention in the interests of the administration, on the other hand the Act is regarded with bitter hostility by nearly all shades of Indian opinion. Most of the witnesses examined before us believe it to be indefensible in principle and unjust in its application."

Now in face of this finding of a committee appointed by the executive Government to review the working of the Press Act for eleven years, it is singularly an irony of fate that the same Act, with the same evil, should be brought before this House. Sir, the least that can be expected is that the executive should divest itself of the power of punishing the alleged

guilty party, be it the keeper of a press or the publisher of a newspaper, and substitute for its place an impartial tribunal. The executive Government may themselves come to a conclusion that some one has written something which is an incitement to murder according to them, but according to judicial authority, it may not be an incitement to murder. Why, I ask, should the word of the executive be considered as if it was God's word and cannot be altered? Therefore, my submission is that if they really want to do away with the unfortunate activities of certain young men who commit assassinations of a political nature, they should rather try to produce more contentment in the country than discontent on which such anarchical crimes feed. Therefore, Sir, I move this amendment.

**Sir Abdur Rahim :** Mr. President, I support this motion ; and I hope the Honourable the Home Member will give it his calm and dispassionate consideration, if that be possible. (Laughter.) Sir, in a matter of this kind which is being debated in this House, it serves no good and useful purpose for anyone to lose his temper. Legislating in a fit of temper cannot be good statesmanship (Hear, hear), and I venture to hope that those who call themselves responsible ministers of Government will consider very carefully what would be the effect if this amendment is negatived. Sir, the Honourable the Home Member, in an earlier stage of the debate, charged us with disregarding the serious position of this country. I am afraid, Sir, he has a very short memory indeed. He has forgotten that we gave every support to him in his endeavour to suppress the terrorist movement in so far as it can be done by controlling writings of a certain character. He forgot that entirely when he brought that charge against us. We, on the other hand, are in a position to charge the Treasury Benches with trying to bring forward a measure really for controlling the Press, for establishing a sort of censorship over the Press, under the guise of preventing incitements to certain kinds of offences.

Sir, what is this new Bill? The former Bill, the House will remember, was frankly one to obtain control over the Press. The present Bill is not of that character,

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I mean, it does not profess to be of that character, and I want the Home Member to stick to the scope of this Bill. The scope of the Bill is to prevent incitement to certain forms of crime, to violence and murder. Now, Sir, if the Home Member is really anxious to confine the provisions of the Bill to its preamble and its title, to what its real scope is, then I ask him in all seriousness to accept this amendment. What is the scope of this amendment? As my Honourable friend, Sardar Sant Singh, has pointed out, this amendment ought not to be read by itself; there are other subsidiary amendments which ought to be read with it in order to make the position clear. Amendment No. 25 is now specifically before the House and then there are amendments Nos. 28, 29 and 35. If all these amendments are read together, they amount to this: there ought to be some form of judicial inquiry, a proper inquiry before a Magistrate, in which inquiry the person who is charged with having committed an offence, or rather with having violated the provisions of clause 4 of this Bill, should be heard and should be given an opportunity of proving that his action and his writings do not come within the purview of clause 4. Is this asking the Government to concede too much? Government, I understand, are agreeable to provide an appeal to the High Court at one stage or another. Are not Government aware, after all those decisions that have been given under the old Act, that it is no good giving such

[Sir Abdur Rahim.]

powers to the High Court if the very foundation is wanting for the exercise of that power ? What is the foundation as laid down in sub-clause (3) ? The foundation is purely executive. How can the High Court know what is working in the mind of the Local Government ? The Local Government are merely an executive body ; they act upon a certain class of information ; they act upon suspicion and they act upon information which cannot be available to the High Court. They then make up their minds and they may be right. I am not one of those who say that the executive are always in the wrong, nor do I say that the police are always in the wrong. I know that the executive and the police often have information which cannot be placed before judicial tribunals, because it is not admissible under the Evidence Act. But that is a separate matter. But when you ask the High Court to review purely executive action, you are really not treating the High Court fairly. You are not giving them any opportunity to exercise their judicial power, or judicial discretion or judicial judgment. Where are the materials for them ? That is why my Honourable friend, Sardar Sant Singh, has brought forward this amendment. You lay the foundation of a judicial procedure and then there will be very little objection to the provisions of this Bill. If the Magistrate holds an inquiry and finds that a certain press has issued matter which offends against the provisions of clause 4 of this Bill, let him call upon the accused to show cause why his press should not be forfeited, or rather why his security should not be forfeited. He may have good cause to show. Hear him at least and let him produce evidence. But you would not do that. All that you want to do is to act in a purely arbitrary and high-handed manner. What remedy has the High Court against that ? The High Court cannot know the mind of the executive ; it is impossible. The two things are inconsistent. Either you have an entirely executive provision for controlling the press or controlling any writings or speeches on the part of the public, or lay down a judicial procedure. I do not see what answer there can be. This mixture of the judicial and the executive is most unfair to both the parties it is unfair to the judicial authority because it cannot exercise its judicial functions properly, and it is unfair to the executive, which is hampered in its action. It cannot lead to a proper result in any way ; it cannot satisfy the public and it is bound to create discontent. The public will say, " Here are these newspapers which have been suppressed or whose security has been forfeited on no proper grounds whatever because there has been no public inquiry into the matter ". One of the things which this Government can well take credit for, and which we have given them full credit for, is this, that they have established what is called the rule of law in this country. We are indeed asked by no less an authority than Sir John Simon to be very grateful to Britain for having established the authority and rule of law in India. Are you not going to destroy that rule of law in this important matter ? Where is the rule of law here ? I would ask my Honourable friend, the Law Member, if he can tell us, can assure us, that this is the sort of rule of law that Sir John Simon contemplated or which is contemplated by English law and jurisprudence. If he could so assure us, then I should know what the position is. Then we would know where we stand. This is in fact the negation of all rule of law. I have had something to do

with the administration of the old Press Act, and I know what the difficulties are. Every judicial authority has felt that and has expressed it in unmistakable terms. Are you going by this Bill to relieve them of those difficulties? Most certainly not. You are having the same provisions which have been condemned more than once. Cannot Government learn by experience, the experience of the past? We have offered our co-operation in order to enact a measure which would really prevent, as far as it is possible for any such measure to prevent, incitements to a certain class of offences. We are still willing to co-operate with Government to that extent, but we have made our position absolutely clear from the very beginning that we are not inclined to go further; we are not inclined to give the Government control over the entire Press, and that is what they are really seeking to have by a measure of this sort. I ask Government, therefore, to reconsider their position with respect to this clause and to enact a clause which will enable the Magistrate to hold a proper inquiry before declaring any security to be forfeited, even before demanding any security whatever. Why should there be such a demand for security, or why should there be any forfeiture of any security if it has been given, without a proper inquiry? Sir, I suppose it will be said that otherwise, it will mean a prolonged inquiry, it will mean giving further publicity. We are perfectly familiar with this argument. As a matter of fact, if you want any inquiry whatever, it must mean some delay. Otherwise an inquiry would be of little value. Then as regards giving publicity, has not this matter another aspect to it? Are you not exposing to public odium the writings which you condemn? Are you not inflicting a further punishment upon their author, a more deterrent punishment, I venture to think, unless the theory of the Government be that the public at large in India are in sympathy with such writings? Are they prepared to say that? If they are, then they themselves stand self-condemned. Surely in a matter of this sort the best course for Government is to give publicity to such writings at once and to bring them to the bar of public opinion and expose them to the condemnation of the public. I for one cannot admit, and I do hope the Members on the Treasury Benches will not allege, that the public of India are so misguided and so perverse that they will not condemn writings of the character contemplated by the Bill. If so, if I am right that the public condemn such writings as we are condemning them in this House, then what justification is there not to hold a proper enquiry before you mulct a press by forfeiting security or even by asking for security? I submit there is no justification for leaving such a matter entirely to the discretion of the Local Government. I submit there is no justification for leaving it entirely to the Local Government's discretion, which must be exercised in the Council Chamber of the Government to which nobody can have access, a discretion which is exercised on materials which are never placed before a court of justice. This amendment is very reasonably framed and I do hope that the Members of Government will accept it. It may not have been properly worded. That is a matter for the draftsmen to put right. Let it be put right if necessary, but let the public be assured that a press will not be punished unless there has been a proper enquiry.

**Mr. C. S. Ranga Iyer :** I only want to say one or two words on this amendment. The Honourable the Home Member, in a vigorous speech in which he reminded us that the discussion in the House was below the

[Mr. S. C. Ranga Iyer.]

level to which sometimes interesting debates in the House of Commons rise, stated that Honourable Members have not even attempted to suggest a remedy. To my Honourable friend from the Punjab, the Honourable Sardar Sant Singh, has fallen the opportunity to suggest what I consider to be a sort of judicial remedy to what might otherwise be executive indiscretion. Sir, the Honourable the Leader of the Independent Party to whom the Honourable the Home Member gave a just and appreciative tribute, in his vigorous speech, as an ornament of the Bench when he was living a life of glorious exile from Bengal in the Presidency to which I have the honour to belong, has justified that tribute in an equally vigorous speech supporting the Honourable Member from the Punjab and attempting to judicialise the procedure which we very much wish the Honourable the Home Member had accepted when Member after Member had urged more or less a similar course in the Select Committee. Sir, the defect of this Bill is this. It is more or less an executive measure, clothing the executive with authority, which responsible Members on this side of the House cannot agree to entrust them with—I have already in my previous speech stated my reasons why we could not entrust the executive with that authority. It is natural for the Honourable the Home Member to complain that the Opposition does not give the authority to the executive which he wants. It is even more natural for the Honourable the Home Member to speak as he spoke with the vigour with which he spoke. But it is equally natural for us to feel that, so long as the Government have no responsibility to us but are responsible to a country separated from us by more than half the world, we cannot give the executive the powers which he demands for them, and in the transitional stage it becomes very difficult to grant them. These are not normal times, and therefore it becomes extremely difficult for us to give the executive the power that they want, especially when we are carrying on an agitation to deprive the executive of the power that they possess at present. Therefore, the danger of misuse—men being human—becomes aggravated when you entrust them with unrestrained power. The Government, as I said, are irresponsible—I do not say they are irresponsible, but I do say they are irresponsible. In the Parliamentary sense they are not responsible to us and so long as this system continues, we would seek, as the Honourable the Leader of the Independent Party in his closely reasoned speech pointed out, we would seek to substitute the reign of discretion which this Bill introduces by the reign of law. Sir, especially the reign of discretion cannot be granted to the executive when the executive are not responsible to us. The reign of law prevails in a country where there is responsible government and the reign of law ought to prevail even more in a country where there is irresponsible government.

**Mr. K. Ahmed :** Irresponsible.

**Mr. C. S. Ranga Iyer :** I say “ irresponsible ” because “ irresponsible ” does not convey the meaning that I want to convey, namely responsibility in the Parliamentary sense. When sometimes my Honourable friend interrupts, he rises to heights which ungenerous Members who do not appreciate his humour would describe as irresponsible. (Laughter.) But when the Government brings forward a measure giving more power to the

executive we are often reminded of the fact that the Government are irresponsible. I believe now my Honourable friend (Mr. Kabiruddin Ahmed) understands exactly what I mean.

Sir, I do not think I need add much more to these few words. I for my part do not resent some of the hard words that the Honourable the Home Member has uttered and I say this because there has been resentment among certain Members and they have given expression to their resentment on the floor of this House. But my unhappiness in this House has always been that it seldom rises to the heights of parliamentary ferocity which the House of Commons often shows. Sir, it has been my good fortune to witness some of those stormy debates, debates in which the Honourable the Leader of the House, Mr. Baldwin, was not sometimes permitted to speak. I have often felt that this House and its reports have not become sufficiently attractive to the country outside because it does not even keep up the Swarajist level of opposition. A country which is supposed to struggle for more power, a country which is supposed to resent the Press Act, ought to show better representation on these Benches than it has been pleased to show. The Honourable the Home Member was pleased to send to this House what I may describe. As a new pulse. He sent a new pulse beating through this House because in Gladstone's words it has been "afflicted with the premonitory lethargy of death".

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, Sir, I do not propose to contribute to the parliamentary ferocity in respect of which an appeal was made by my Honourable friend. Rather would I prefer to bring to bear upon the discussion of this subject—a very important subject indeed—that calm and dispassionate consideration for which my Honourable friend, the Leader of the Independent Party, pleaded. Giving the calmest and the most dispassionate consideration to this particular clause, let us first remember the scope of this Bill as the Leader of the Independent Party asked us to remember it. The intent of this Bill is surely this : that at the present moment a particular emergent situation has arisen in regard to which a special procedure has been found necessary. I lay some emphasis upon that for this reason. This House in its previous vote has given its consideration to that emergency and has come to the deliberate decision that two or three elements are essential : firstly, speedy action, secondly, close scrutiny of that speedy action. The general purport of the Bill might therefore be said to be that, in order to combat the evil which may now be taken to be admitted, speedy and effective action is necessary. Secondly, in order that that action may be tested and properly and adequately tested, the fullest possible safeguards should be given to see to it that that action is neither hasty nor irrevocable, nor subject to those grave objections to which expression has been given in the various speeches. Now, let us analyse not only clause 3 but also clauses 23, 24, 25 and 26, because these clauses must be read in conjunction with the other clause. Before doing so, let me say at once that there can be no mistaking the object and the motive of my Honourable friend opposite who has moved these amendments. Frankly and confessedly the object of his amendments is to judicialise the initial procedure ; in other words, before security is asked for from a press, to go through the form of a criminal trial from first to last. In fact the expressions, used by my Honourable friend in the course of his speech, lead to the conclusion—and that is the inevitable conclusion—that the procedure in a summons case is to be adopted. That being so, the question arises at once is what

[Sir C. P. Ramaswami Aiyar.]

has been attempted by the Bill adequate and sufficient for the ultimate purpose which my Honourable friend has in view, or is it not? Or is there going to be any irremediable evil produced by the various sections of the Bill taken together, remembering always that the primary and immediate object of the Bill is to secure speedy and effective action in a dangerous category of cases? Now, clause 3 undoubtedly clothes.....

**Sardar Sant Singh :** Clause 4 provides for that.

**The Honourable Sir C. P. Ramaswami Aiyar :** I am much indebted to my Honourable friend for reminding me of it, and I shall advert to that presently. Clause 3 provides that whenever it appears to the Local Government that any printing press, etc., is used for the purpose of printing or publishing any newspaper, book or other document containing certain things described in clause 4.....

That being so, the first thing that has to be considered by the Local Government is whether this particular publication offends against clause 4. It comes either to the conclusion that it does offend or it does not offend. If it does offend, it takes a certain course of action prescribed in sub-clause (3). That having been taken, what happens next? Clause 23 begins to operate at once and under clause 23 practically the High Court is converted into what, in the language of the British procedure, may be called a *Nisi Prius* Court or in the language of the Indian procedure may be termed a trial court—a trial court vested with this jurisdiction of analysing those publications and seeing whether those publications come within the mischief of clause 4 or not.

Turning to clause 23, what do we find? As soon as this order is made, the person against whom the order has been made can apply to the High Court, and then it must be noticed that under clause 23 (1) the High Court shall decide if the newspaper, book or other document did or did not contain any such words, etc. A definite modification has been made there—I do not propose to enter into it at this juncture—but a definite modification has been made there in Select Committee with a view to get rid of some of the apprehensions felt as to the procedure before the High Court. But that is not all. The Special Bench shall set aside the order if it appears to the Special Bench that the words, etc., were not of the nature described in section 4. And then in section 26 permission is given for the giving of evidence in regard to this matter both on the one side and on the other. Thus, therefore, the objections which were so strongly emphasised as to the abdication of judicial procedure or the elimination of judicial discretion or responsibility—those observations are really out of place. For the purpose of immediate and speedy action, clause 3 begins to operate, and that action is taken. The moment that action is taken, the full armoury of what may be called judicial proceedings is donned both on the one side and on the other; and a judicial procedure begins to operate with liberty to give evidence on both sides and with the further duty laid upon the High Court to consider not only whether the particular publications offended within the mischief of clause 4, but also taking into account any evidence that may be given on the one side or the other. Thus, therefore, the primary and fundamental objection of my Honourable friend that there has been, in his own language, a nullification of all the doctrines of criminal jurisprudence, I submit, does not prevail.

**Sardar Sant Singh :** May I call the attention of my Honourable friend to the difference ? Regarding my amendment, I have asked for the deletion of this clause 23 which is the High Court clause. One point more. What I complain of is this, that after proceedings before the District Magistrate, the onus of proof as in ordinary criminal cases will be upon the prosecution, who will be called upon, while in the case of a complaint to the High Court, the onus will be shifted on the person of whom security has been required.....

**Sir Hari Singh Gour :** No, no.

**The Honourable Sir C. P. Ramaswami Aiyar :** I am indebted to my Honourable and learned friend, the Leader of the Opposition, for having pointed that out. It is perfectly true that under the old Press Act there was considerable doubt as to whether in all cases and necessarily the one party, namely, the party complaining of the order should be the party to begin as having the burden of proof laid upon him. In order to make it abundantly clear that the object of this Bill is to see to it that only those people are hit who have offended against clause 4 and that nobody is put under any disadvantage, it will be noticed by my Honourable friend, if he turns to clause 23, that the High Court shall decide if the newspaper, etc., did or did not contain any words, etc. Therefore, the difficulty or the embarrassment of a definite throwing of the burden or onus of proof on the one party is really eliminated in that manner. It will depend upon the High Court, looking at the document. There may be some documents which on the face of them lay the proof on one party ; here may be some which on the face of them lay the burden on the other : we have left it open therefore under clause 23.

In regard to the earlier portions of the interjections made by my Honourable friend, what I have got to say is this. I do not for a moment deny that my Honourable friend, if his object is to be attained, has completely altered and modified the scope and aim of this Bill. He has not only made clause 3 judicial, but has followed it up in other clauses so as to make it clear that the judicial procedure begins and ends completely judicially. My submission to this Honourable House is that from the point of view of speedy administration in the initial stages, it has been found necessary, and indeed no other course would eliminate the inevitable delays of a summons case dragging its weary length as is contemplated in this amendment,—in the initial stages it is undoubtedly action savouring of an executive character which is found necessary, but in order to rob that executive action of all those features which are objected to by the other side, we have given the fullest possible rights to the High Court which is by the combined operation of the various sections really converted into a trial court. I submit, therefore, that you get the speediness and the efficacy of the executive action, combined with all the safeguards of a judicial trial by the combined effect of the clauses to which I have referred. I submit, therefore, that this amendment is really inappropriate to the scope and the aim of this Bill.

**Mr. S. C. Mitra :** Mr. President, I should like to ask only one question, and my argument will be based mainly on that. In sub-clause (3) in line 11, I find the word " may ". It is stated there, " That the Local Government may by notice in writing " and so forth. Why has the word " may " been used here ? I shall be obliged if the Honourable the Home Member or anybody else on the Government side will explain this point.



[Mr. S. C. Mitra.]

Why do they make it optional for the Government to give notice in writing for deposit or forfeiture ?

**The Honourable Sir C. P. Ramaswamy Aiyar :** If I may interrupt my Honourable friend, I think he is under a misapprehension. Notice in writing is not optional. When the Local Government has to proceed, it may proceed in a particular manner after giving notice in writing. I may assure my Honourable friend that by no construction could it be said that under clause 3 the Local Government may take certain action without any notice whatsoever.

**Mr. S. C. Mitra :** In that case, Sir, what is the objection on the Government side to substitute the word "shall" for the word "may" ? Why do you give option in demanding security or forfeiting it. You make it binding on the Local Government to give notice with reasons thereof. If you use the word "may", they may give notice, but they may not give the reasons ; it will not be binding on them.

**The Honourable Sir C. P. Ramaswamy Aiyar :** On calmer reflection, I am sure my Honourable friend will realise that the substitution of the word "shall" would really be more prejudicial to the cause which he has at heart. Let me read the sentence as it would run after modifying it according to his ideas. "Whenever it appears to the Local Government, etc., the Local Government shall ask him to deposit....." Does he want to make it obligatory upon the Local Government in every case to do that ? What it says is, it may do so, but when it does so, it must be by notice in writing. My Honourable friend may take it from me, and I think eminent jurists who are present in this House will agree with me in what I say.

**Mr. S. C. Mitra :** May I take it then that it is obligatory on the part of the Government to give notice in writing ?

**The Honourable Sir C. P. Ramaswamy Aiyar :** Yes, that is what I have been endeavouring to point out.

**Mr. S. C. Mitra :** Sir, if by construction it is clear that it is obligatory on the part of the Government to give notice in writing and the reasons thereof, then I accept it.

**Mr. President :** The question is :

"That in sub-clause (3) of clause 3 for the words 'Local Government' occurring in the first line, the words 'District Magistrate having jurisdiction in the place where the press is situated' be substituted."

The Assembly divided.

AYES—31.

Abdur Rahim, Sir.  
Azhar Ali, Mr. Muhammad.  
Bhuput Sing, Mr.  
Chandi Mal Gola, Bhagat.  
Chetty, Mr. R. K. Shanmukham.  
Chinoy, Mr. Rahimtoola M.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.

Harbans Singh Brar, Sirdar.  
Hari Raj Swarup, Lala.  
Ismail Khan, Haji Chaudhury Muhammad.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Maswood Ahmad, Mr. M.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.

AYES—*contd.*

Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Parma Nand, Bhai.  
 Ranga Iyer, Mr. C. S.  
 Sant Singh, Sardar.  
 Sarda, Rai Sahib Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.

Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sohan Singh, Sirdar.  
 Thampan, Mr. K. P.  
 Uppi Saheb Bahadur, Mr.  
 Wilayatullah, Khan Bahadur H. M.  
 Ziauddin Ahmad, Dr.

## NOES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. R. S.  
 Banerji, Mr. Rajnarayan.  
 Crerar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dyer, Mr. J. F.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Ibrahim Ali Khan, Lt. Nawab Muhammad.  
 Ishwarsingji, Nawab Naharsingji.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Knight, Mr. H. F.  
 Lall, Mr. S.  
 Lalehand, Captain Rao Bahadur  
 Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.

Morgan, Mr. G.  
 Mujumdar, Sardar G. N.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. I.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Ram Chandra, Mr.  
 Rama Rao, Rai Bahadur U.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Shah Nawaz, Mian Muhammad.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfqar Ali Khan, Sir.

The motion was negatived.

**Mr. S. C. Mitra :** I move :

“That in sub-clause (3) of clause 3 the words ‘less than five hundred or’ be omitted.”

My argument is why do you restrict the discretion of the Magistrate? Are you suspicious even of your own Magistrates? You put a maximum that the amount should not go to more than a particular amount. But I do not understand why you should say that it should not be less than Rs. 500. I hope that Government will see their way to accepting this amendment. Sir, I move.

**The Honourable Sir James Crerar :** I must point out to the Honourable Member that the particular portion of the sub-clause to which he refers deals with a case in which the press has already published offending matter. I think in those circumstances that it is perfectly reasonable

[Sir James Crerar.]

to direct the Magistrate to demand a security not less than the amount mentioned in the sub-clause.

**Mr. President :** The question is :

“ That in sub-clause (3) of clause 3 the words ‘ less than five hundred or ’ be omitted.”

The motion was negatived.

**Mr. President :** The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

**Mr. President :** The question is :

“ That clause 4 stand part of the Bill.”

**Mr. S. C. Mitra :** I move :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or tend to incite to or to encourage ’ be omitted.”

My main ground is that the scope of this clause is too wide, and it is not necessary for the purposes for which this Bill has been introduced. I think it is sufficient if you have the words “ incite to or encourage ”, and any tendency to incitement to or encouragement of the commission of any offence should be omitted from the scope of this clause, because if there is no effect, the mere tendency should not be punished. So I should like to restrict this Bill only to incitements or encouragements and not to a mere tendency to incite or encourage, the main point to be kept in view being that intention should be the criterion and not mere tendency. Sir, I move.

**The Honourable Sir C. P. Ramaswami Aiyar :** Having regard to the object of the Bill, I think it will be realised that if a writer attempts to provoke that effect, that must come within the scope of the Bill. In these circumstances, I submit that the words “ tend to incite to or to encourage ” are necessary.

**Sardar Sant Singh :** I did not move my amendment No. 36 for the simple reason, that I thought that my object would be served by the amendment of my friend, Mr. Mitra. My submission is that, power having been given to the executive, it is absolutely necessary that we should restrict that power as much as possible. The words, “ Or tend to incite to or to encourage ” are so wide that they can embrace anything in the world. If the power is given to the executive whose actions we cannot control, in that case before we can come to the rescue, some injury may have been done to the person against whom the action has been taken. Therefore, it is absolutely necessary that the wording of the law should be restricted to its narrowest limit. A particular paper which in the opinion of the executive offends against the law may find itself in the grip of the executive and it may not be able to move the High Court to get redress. At the same time the object of the Bill has been stated to be that it would be restricted in its operation against those who incite to or encourage acts of assassination or murder. Now, there may be cases wherein a comment may be made by an honest editor in a *bonâ fide* manner, and that comment may go against certain actions of the executive in punishing the

man who has incited to murder : I will illustrate my point thus. Suppose the executive has abused the legal power vested in their hands and a certain young man tries to take the law in to his own hands and he commits an act of violence against that particular person. It should be absolutely open to the Press to comment upon the high-handedness of the executive officer as well as condemn the action of the young man who has taken the law in to his own hands. If the writer tries to condemn the action of the executive officer, it may be considered as inciting to or encouraging murder. In order to provide against such a contingency, my submission is that the words of this clause should be restricted to the narrowest limit.

**Mr. S. G. Jog** (Berar Representative) : We are practically at the rag end of the day, and I am quite aware that it will be useless on my part to tax your patience any longer. It will not serve any useful purpose to discuss the provisions of this Bill, which has been introduced with a view to muzzle and gag the Press. Whatever the ostensible object of the provisions of the Bill may be, the real object is to discourage newspapers. However, we have passed that stage now, and although the Bill now before the House is in a much diluted form, still its sting or its poison remains in a virulent form, and even a small dose of it is sufficient to kill the growth, or the healthy growth, of newspapers. When the Bill was introduced, the main attack against the Bill was about its vagueness and its wideness. There is a certain school of thought which believes that there should be some restriction on the liberty of the Press which incites to murder and violence. What the newspapers are really afraid of is the executive action of the Government. It is all right when we sit here and pass this law. Ultimately it will have to go to the executive and there in many cases it will be abused. I am surprised at the statement made by the Home Member yesterday and at his stiff and stubborn attitude and certain allegations made by him, and I think it is my duty to resent those remarks. Yesterday evening, he said that every law is likely to be abused and if no law is to be passed, then it is better that this Assembly should be abolished. We have not come here to hear this lecture. We know our responsibility very well. We know what legislative bodies have got to do. We owe our duty to our constituencies and to the Press of India, and it is our duty to oppose measures which are likely to take away the liberty of the Press. As I have already said, one of the objects of attack on the Bill was its vagueness and its wideness. Unrestricted power should not be given to the executive, and although the provisions of the law should be strict, very little discretion should be left to the executive. With this object in view, I think that the retention of the words, "tend to incite to or encourage" is likely to lead to abuse. I think I shall be justified if I give out a secret. I am told that there was some controversy over the words "tend to incite or encourage". Afterwards a suggestion was made that the proper words should be "have the effect", which will convey the proper meaning. I do not know how the words "tend to incite to or encourage" came to be subsequently introduced. Sir, I support the amendment that these words should be dropped.

**The Honourable Sir James Crerar** : I do not think it is necessary for me to add anything material after what my Honourable colleague, the Law Member, has said on this subject to explain the necessity for the words 'tend to incite to or encourage'. I merely wish to explain for the information of the House what happened in the Select Committee, as it was

[Sir James Crerar.]

referred to by the learned gentleman from the Central Provinces and Berar. The particular words against which he has directed criticism were accepted on behalf of Government during the examination in Select Committee. The suggestion he referred to was from one of the Members dissenting and it was not the original proposition of Government. I do not wish to add anything more.

**Mr. President :** The question is :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or tend to incite to or to encourage ’ be omitted.”

The motion was negatived.

**Mr. S. C. Mitra :** I beg to move :

“ That in sub-clause (1) (a) of clause 4 the words ‘ or any cognizable offence involving violence ’ be omitted.”

My object in moving this amendment is to restrict the very very wide scope of this clause 4. There are any number of punishable offences, and I think the real intention of this law is to restrict this Bill to acts of incitement to murder or abetment to murder. That will serve the purpose of the Government. Even the words under sections 325, 326 come under cognisable offences involving violence. I move that these words be omitted.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, I seldom

stand on my legs on the floor of the House, and at the end of the day I do not want to prolong the debate ; but at the same time I feel it my duty to record a word of protest against the action which is being taken in this House in enacting this Bill, and I support the amendment which has been moved by my Honourable friend, Mr. S. C. Mitra. (Mr. K. Ahmed made an interruption which was inaudible.) My friend, Mr. K. Ahmed, seems impatient ; I think he ought to be a little bit patient. Sir, it is only a very legitimate demand which has been put forward by my friend, Mr. Mitra, that in sub-clause (1) (a) of clause 4 the words ‘ or any cognisable offence involving violence ’ be omitted. Sir, the interpretation actually placed in practice on the word ‘ violence ’ is of such wide scope—of which I may say we had such practical experience during the last non-violent movement, and the word was interpreted in such a way that really we are afraid of putting this word on the Statute-book. Sir, if I may be allowed just to read an extract from a newspaper which I had from Bengal, the *Amrita Bazar Patrika* (Mr. K. Ahmed : “ Oh, oh ! ”), I will do so, Members of the House are aware of the fact that during the recent Hijli incident the police were guilty of barbarous action in shooting down non-violent detenus. Now, Sir, if this Bill is passed, then under it the mere quoting of an extract will amount to an incitement to violence. The extract runs, with the heading, “ A Touching Scene. Wife Breaks Down at the sight of Dead Husband ” :

“ It was a pathetic scene to witness when the body of Santosh Mitter was placed in front of his house in Akur Dutt Lane. His young widow came near the body, saw the face of her beloved husband for 2 or 3 minutes with her eyes dried of tears, and declared at the top of her voice, addressing her dead husband,—

‘ you are gone. But I am left behind to fulfil the mission cherished by you up to the last moment of your life.’

With these words, she broke down and was carried away inside the house. The old parents of the deceased were so much overpowered that, at the sight of their beloved

son, they fainted and were removed from the place. Floral wreaths were then placed on the bier by other members of the house. Nobody could help shedding tears at the sight of this pathetic scene. The bier was then taken away from the place."

Sir, this Bill has been criticized by the Press on the legitimate ground that, with the passage of this Bill, anything, even the quotation of the foregoing, will be taken as an incitement to violence. The word "violence" is of such wide scope that, really speaking, in this part of the House, every Member feels that it signifies something which really does not represent the real attitude of the Honourable the Home Member. With these remarks, Sir, I whole-heartedly support the amendment which has been moved by my Honourable friend, Mr. Mitra.

**Dr. Ziauddin Ahmad :** Sir, I also support the amendment, since the words in question render the scope of this Bill much too wide. We agreed to the words, "incite to or encourage or to tend to incite or to encourage the commission of any offence of murder", and I think that is quite sufficient to meet the purposes for which this Bill is pressed. I should like to have one or two definite cases which are not covered by the first part of this paragraph and for which it is necessary to make the addition of the words, "or any cognizable offence involving violence". I should like the Home Member or the Law Member to give us one or two definite illustrations of what may be called terrorist activities and which are not covered by the first part of this clause.

**The Honourable Sir James Crerar :** Sir, I think I may very briefly explain to the House the necessity for these words. In the first place, it would not meet the full scope of the Bill to deal solely with incitements to or encouragement of murder. Terrorist crime resorts to many other forms of violence than murder,—for example, arson, or causing grievous hurt. The threat, or incitement, to break every bone of some man's body, is a form of violence which obviously it is necessary to prevent. But the question, I may say, was very fully considered in Select Committee. Objection was urged that comparatively slight forms of violence, such as common assault and so forth, might conceivably come within the mischief of the Act. Therefore, the phrase "cognizable crimes of violence" was adopted in order to secure that such comparatively trivial offences were excluded. But as regards the necessity of providing for incitements to cognizable crimes of violence, I have no manner of doubt, that that is a very essential purpose of the Bill.

**Mr. President :** The question is :

"That in sub-clause (1) (a) of clause 4 the words 'or any cognizable offence involving violence' be omitted."

The motion was negatived.

**Mr. President :** The House is now adjourned to 11 O'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd October, 1931.





## LEGISLATIVE ASSEMBLY.

*Friday, 2nd October, 1931.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### SELECTION GRADE POSTS IN THE SIMLA GENERAL POST OFFICE.

1092. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that there are eight posts of selection grade of 160—250 in the Simla General Post Office ?

(b) Is it a fact that out of the eight posts seven are held by Hindus and one by a Christian Sub-Post Mistress ?

(c) In view of the Muslims constituting a majority in population in the Punjab and North-West Frontier Circle, are Government prepared to order that at least half of the selection grade appointments should be held by Muslims in the Simla General Post Office ?

**Sir Hubert Sams** : (a) There are nine, including the town sub-post offices.

(b) Of the nine, one is held by a Muslim, one by a Christian and the remainder by Hindus.

(c) The composition of the selection grade cadre, which is a Circle one, depends on the fitness for promotion to that grade and cannot be regulated on a communal basis. Postings also are not made on communal considerations.

#### APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1093. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that both the Town Inspectors in the Simla General Post Office are Hindus ?

(b) Is it a fact that the Head Clerk (Correspondence) and his six assistants in the Correspondence Branch, Simla, are all Hindus ?

(c) Is it a fact that the accountant of the Simla General Post Office is a Hindu ?

(d) Is it a fact that out of the four accounts clerks three are Hindus and only one is a Muslim ?

(e) Are Government prepared to order that at least half of the staff in the above cadres should be Muslims ?

**Sir Hubert Sams** : (a) Yes, but one of them is under orders of transfer and a Muslim is coming in his place.

(b) The Head Clerk is a Hindu. Two of his assistants are not Hindus.



(c) Yes, he being the most senior official in the office who has passed the Post Office Accountants' examination.

(d) Yes. They are employed in the Accounts Branch because they have passed the Post Office Accountants' examination.

(e) Postings are not made on communal considerations.

#### APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1094. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the period for which the posts of Accountant and Head Clerk (Correspondence) in the Simla General Post Office have been held by Hindus during the last 10 years ?

(b) Are Government prepared to order that the posts of Accountant and Head Clerk (Correspondence) should be held by Muslims and Hindus, alternatively, every three years ?

Sir Hubert Sams : (a) Throughout the last ten years.

(b) Postings are not made on communal consideration.

#### APPOINTMENT OF MUSLIMS IN THE SIMLA GENERAL POST OFFICE.

1095. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state whether the following composition of the staff in the Simla General Post Office is correct ?

Appointment.	Hindu.	Muslim.	Total.
Clerks .. ..	69	7	76
Reserve clerks ..	14	1	15
Post-men .. ..	84	1	85
Officials of 45—85 grade ..	8	—	8
Inferior servants ..	80	3	83
Season servants ..	38	—	38
Runners .. ..	79	1	80
Sub-postmasters of time-scale ..	10	1	11
Grand total ..	382	14	396

(b) Will Government be pleased to state reasons for the above negligible proportion of the Muslim staff in the Simla General Post Office ?

(c) Is it a fact that the one Muslim postman out of 85 was confirmed after his having worked as a candidate for over ten years ?

(d) Is it a fact that the appointment of one Muslim postman is due to the fact that a Muslim was required to deliver letters in the Beef Market where no Hindu would go ?

(e) Are Government prepared to order that the posts referred to above should be filled up in rotation for three years by Muslims and Hindus ?

Sir Hubert Sams : (a) Information received from the Postmaster General shows that the composition is not correct, the actual totals of the categories of staff specified by the Honourable Member under the control of the Postmaster, Simla, being 305 and not 382 Hindus, 25 and not 14 Muslims, eight Sikhs and six others.

(b) The comparatively small number of Muslims is attributed to the difficulty experienced in the past in obtaining suitable candidates of that community in this place. The matter is receiving the attention of the Postmaster General.

(c) and (d). No. He was confirmed within a year of his joining the Department. Another Muslim has since been recruited to act as a postman and he will also be confirmed when his turn comes.

(e) No, postings are not made on communal considerations.

**Sir Muhammad Yakub :** Will the Honourable Member be prepared to take qualified Muslim candidates who come forward ?

**Sir Hubert Sams :** Yes, Sir.

#### NOMINATION FOR SELECTION GRADE OF CANDIDATES IN THE DELHI GENERAL POST OFFICE.

1096. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to an editorial note on pages 2 and 3 of the *Postal Advocate*, Delhi, September, 1931 issue ?

(b) Is it a fact that Rai Sahib Iqbal Nath, acting Postmaster, Delhi, nominated three Hindus, including one matriculate, for the selection grade examination ignoring several Muslim undergraduates and graduates including one Muslim M.A. fulfilling the conditions of the examination ?

(c) Is it a fact that some Muslims protested against the unjustified nomination of Hindus to the Postmaster General, Lahore ?

(d) Are Government prepared to inquire into the full facts of the cases and to call for fresh nominations of deserving officials of the Delhi General Post Office after cancelling the previous nominations ?

**Sir Hubert Sams :** (a) Government have seen the article.

(b), (c) and (d). Government have no information. The matter is within the competence of the Postmaster General.

#### APPOINTMENT CLERK IN THE DELHI GENERAL POST OFFICE.

1097. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that the post of Appointment Clerk of the Delhi General Post Office was held by Hindus for 18 years ?

(b) Is it a fact that according to recent orders the Appointment Clerk will in future be borne on the establishment of the Correspondence Branch instead of the Accounts Branch ?

(c) Is it a fact that a Muslim was entrusted with the duties of Appointment Clerk of the Delhi General Post Office only a couple of months ago ?

(d) Is it a fact that Rai Sahib Iqbal Nath tried to retransfer these duties to a Hindu in the Correspondence Section instead of transferring the present Muslim incumbent of the post to that section ?

(e) Are Government prepared to order that the charge of the Appointment Branch in the Delhi General Post Office is held by Muslims and non-Muslims in rotation for every three years ?

**Sir Hubert Sams :** (a), (c) and (d). Government have no information. The matter is within the competence of the Postmaster General, to whom a copy of these parts of the question is being sent.

(b) The orders are that appointment work should be done in the correspondence section of a post office.

(e) Government admit no claim to the charge of a branch on communal grounds and cannot undertake to make the order proposed by the Honourable Member.

#### ALLEGATIONS OF COMMUNAL BIAS IN THE BALUCHISTAN POSTAL DIVISION.

1098. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to an article entitled "Hindu Rajia in the Postal Department of Baluchistan" published on page 5 of September, 1931 issue of the *Postal Advocate*, Delhi ?

(b) Is it a fact that several Muslim applicants for leave were asked to pay the travelling allowance of their substitutes owing to stringency of funds in 1930, whereas several Hindu officials were granted leave in the same year at Government expense ?

(c) Is it a fact that the Hindu officials named in para. 3 of the said article have either never served at any of the out-posts or not completed their term, whereas the rules were strictly enforced in the case of Muslims ?

(d) Is it a fact that since the assumption of charge of the Baluchistan Division by Mr. Giyan Dave and his Hindu Head Clerk not a single Muslim has been made permanent ?

(e) Are Government prepared to inquire into the allegations of communal bias against Mr. Giyan Dave, as contained in the said article and take suitable action in the matter ?

**Sir Hubert Sams :** (a) Government have seen the article.

(b), (c) and (d). Government have no information. If any person connected with the Department has a grievance, it is open to him to represent it through the proper official channel.

(e) Government will take cognisance of representations made through the prescribed channel.

#### COMMUNAL COMPOSITION OF POSTAL STAFF IN CERTAIN POST OFFICES.

1099. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Has the attention of Government been drawn to the tables of communal composition of postal staff in the Karachi, Delhi and Calcutta General Post Offices and in the Bengal Circle as published in the September, 1931 issue of the *Postal Advocate*, Delhi ?

(b) Will Government be pleased to state whether the figures given therein are correct, and, if not, will Government please state the correct figures ?

(c) What steps do Government contemplate to take to avoid a preponderance of non-Muslims in the said offices and Circle ?

**Sir Hubert Sams :** (a) Government have seen the tables.

(b) Government have no information.

(c) Orders are in force for the adjustment of communal inequalities in new recruitment. Promotions and postings are not made on communal considerations.

PAUCITY OF MUSLIMS IN GOVERNMENT SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

1100. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that the Muslim Association of Peshawar Cantonment has recently brought to the notice of the Private Secretary to H. E. the Viceroy, the fact of Muslim paucity in the Government services in the North-West Frontier Province ?

(b) If the reply to the above is in the affirmative, will Government be pleased to state the action, if any, taken on the said representation and state the gist of the reply sent to the President of that Association ?

**Mr. E. B. Howell :** (a) The representation to which the Honourable Member is presumably referring related to the more general question of the employment of educated Muslims in Government service in the Punjab and North-West Frontier Province.

(b) It was transferred to the appropriate Department of the Government of India for disposal.

PREPONDERANCE OF HINDUS IN APPOINTMENTS IN THE NORTH-WEST FRONTIER PROVINCE, SIND AND BALUCHISTAN.

1101. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the correct interpretation of the term minority community in its application to provinces like the North-West Frontier Province and Sind and Baluchistan as promised by the Honourable Sir James Crerar in reply to a question by Sir Sahibzada Abdul Qaiyum ?

(b) Are Government aware that the present procedure of reservation of every third vacancy for all the minority communities, including the Muslims, has not proved effective in checking the predominance of the Hindu community ?

(c) Are Government prepared to order that until such time as a certain percentage of a certain community is not reached, recruitment of members of the other communities which preponderate should be stopped ?

**The Honourable Sir James Crerar :** (a) and (b). I would refer the Honourable Member to the reply given on the 28th September, 1931. to Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 1038.

(c) No.

APPOINTMENT OF MUSLIMS IN THE PESHAWAR GENERAL POST OFFICE.

1102. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the periods for which the posts of Accountant and Head Clerk (Correspondence) have been held by Hindus during the last six years in the Peshawar General Post Office ?

(b) Will Government be pleased to state whether the Deputy Postmaster and all the Assistant Postmasters in the Peshawar General Post Office are Hindus ?

(c) Is it a fact that the Sub-Postmaster, Peshawar City Post Office, the only selection grade office in the town, is held by a Hindu ?

(d) Is it a fact that the Muslims constitute 95 per cent. of the population of the North-West Frontier Province ?

(e) Is it a fact that the Town Inspector of Peshawar City Post Office is a Hindu ?

(f) Are Government prepared to keep at least two-thirds of the important posts in Peshawar General Post Office to be filled up by Muslims ?

**Sir Hubert Sams :** (a), (b), (c) and (e). Government have not the information and do not propose to call for it for the reason stated in the reply to the following parts of the question.

(d) and (f). Even if the facts are as stated by the Honourable Member, Government cannot undertake to act as proposed by him, because postings are not made on the basis of communal representation.

#### APPOINTMENT OF MUSLIMS IN THE ACCOUNTS BRANCHES OF CERTAIN POST OFFICES.

1103. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state separately the total clerical strength of the Accounts Branch of Lahore and Amritsar General Post Offices ?

(b) Will Government be pleased to state separately the number of Muslim clerks working in the Lahore and Amritsar General Post Offices in the Accounts Departments ?

(c) Will Government be pleased to state separately the periods for which the posts of Accountants have been held by Hindus in the Lahore, Amritsar, Ambala, Rawalpindi and Simla General Post Offices ?

(d) Are Government prepared to order that at least half of the posts of clerks in the Accounts Branches of the above offices should be filled up by the Muslims to learn accounts work enabling them to qualify for the accounts examination ?

**Sir Hubert Sams :** (a) to (c). Government have no information.

(d) The matter is within the competence of the Postmaster General, Punjab and North-West Frontier to whom a copy of the question is being sent. It may be mentioned, however, that postings and transfers are made according to the exigencies of the service and not on communal considerations.

#### REPLACEMENT OF HINDUS BY MUSLIMS IN CERTAIN APPOINTMENTS IN THE RAILWAY MAIL SERVICE, DELHI.

1104. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that according to the rules, an official of the selection grade should not hold charge of a particular post or office for more than three years ?

(b) Will Government be pleased to state the periods for which the present Head Clerk and the Head Record Clerk of the office of the Superintendent, R. M. S., 'D' Division, Delhi, have held charge of their present posts and whether their transfer is overdue?

(c) Is it a fact that the present Head Clerk of the office of the Superintendent, R. M. S., 'D' Division, Delhi, has been in the same office for over ten years?

(d) Will Government be pleased to state separately the periods for which the posts of (i) Head Clerk, (ii) Head Record Clerk of the office of the R. M. S., 'D' Division, Delhi, have been held by Hindus during the last six years?

(e) Are Government prepared to order transfer of the existing incumbents of the posts, replacing them by Muslims for a like period?

**Sir Hubert Sams :** (a) No, the rule is that certain specified posts of Head Clerks should not be occupied by the same official continuously for more than three years at a time.

(b), (c) and (d). Government have no information. A copy of these parts of the question is being sent to the Postmaster General, Punjab and North-West Frontier.

(e) Whatever the facts may be and whatever action may be taken by the Postmaster General under the rules, postings are not made on the basis of communal representation.

#### APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI.

1105. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state the communal composition of the undermentioned staff in the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi?—

- (i) Superintendents, (ii) accountants, (iii) First Division clerks, (iv) Second Division clerks, (v) inferior servants.

(b) Will Government be pleased to state the communal composition of the above cadres of the staff entertained in the office of Deputy Accountant General, Posts and Telegraphs, Delhi, during the last three years?

(c) Will Government be pleased to state the communal composition of the above cadres of the staff employed as temporary establishment in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi?

(d) Are Government prepared to order the increased entertainment of Muslims in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, to avoid preponderance of any one class or community?

**The Honourable Sir George Schuster :** Enquiry is being made and a reply will be sent to the Honourable Member in due course.

#### DEFALCATION OF EXCESS FARE MONEY ON THE EAST INDIAN RAILWAY.

1106. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it is a fact that one Mr. Duff, an employee of the Crew Department of the East Indian

**Railway was convicted in Howrah Division for a defalcation of Rs. 1,500 of excess fare money ?**

(b) Is it true that he was an *ex-convict* before being employed in the Crew Department ?

(c) During how many days was this amount recovered by him ?

(d) Who was held responsible for slack supervision in failing to see that he regularly deposited the money and what punishment was accorded to him ?

(e) How was this money accounted for ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to reply to questions Nos. 1106, 1107, 1108 and 1109 together. They are the first intimation that the Railway Board have received of certain allegations against employees in the recently abolished crew system. I will certainly have enquiries made as to the truth of these allegations if the Honourable Member can give me an assurance that facts have come to his notice suggesting that there may be some truth in them. I should add that in all cases any action to be taken will apparently be within the competence of the Agent without reference to the Railway Board.

#### CONVICTION FOR CHEATING OF A CLERK IN THE CREW DEPARTMENT, EAST INDIAN RAILWAY, CALCUTTA.

†1107. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it is a fact that one Kidar Nath Day was convicted by the Chief Presidency Magistrate, Calcutta, for cheating certain candidates on promise to secure appointments for them in the Crew Department ?

(b) Is it a fact that he was a clerk in the Crew Department attached to the Head Office, Calcutta ?

(c) Is it a fact that he granted pro-notes for the money thus recovered from the candidates ?

(d) When was he arrested ?

(e) When was he convicted ?

(f) When was he suspended ?

(g) When was he dismissed ?

(h) Is it a fact that the Magistrate in his judgment remarked that he had been the tool of larger fry ?

(i) Is it a fact that the Magistrate sent certain papers along with his judgment to the Agent, East Indian Railway, for information ?

(j) Will Government please lay on table a copy of those papers ?

(k) Did Government take steps to find out the larger fry ?

(l) Who were found connected therewith and what punishment was accorded ?

#### SALE AND DETECTION OF USED RAILWAY TICKETS AT GAYA AND PATNA.

†1108. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is a fact that a few of

the Railway employees were convicted at Gaya and Patna for re-selling used tickets on the area where the Crew system was under operation ?

(b) Is it a fact that these cases were detected by the staff not belonging to the Crew Department, i.e., Crew recruits, but by the staff deputed by the Chief Commercial Manager of the East Indian Railway ?

**ALLEGATIONS AGAINST CERTAIN INSPECTORS IN THE CREW DEPARTMENT AT LUCKNOW.**

†1109. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is true that Messrs. Sams and Homes, Inspectors of the Crew Department, Lucknow, were convicted for travelling in a ladies' compartment while on duty ?

(b) Were they discharged for this conviction ? If not, why not ?

(c) Are they still in service on the East Indian Railway ; if so, in what capacity ?

(d) Is it true that one Inspector of the Crew Department was found under the influence of liquor while on duty on Howrah station and arrested by the Railway Police ?

**PREVENTION BY CREW STAFF OF PASSENGERS FROM BOARDING TRAINS.**

1110. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government be pleased to state if it was the primary function of the Crew not to allow a person to board the train without a ticket and on this fundamental principle this system was started on the East Indian Railway ?

(b) Will Government please state if, in view of the above fundamental principle, it was not the function of the Crew staff to collect excess fare but to divert the passengers to the booking offices ?

(c) Will Government please state if entry into a compartment without a ticket is an offence ?

(d) Will Government please state if any railway servant is empowered under the Indian Railway Act to prevent a person from boarding the train without a ticket ?

(e) Under what law was this power invested in the Crew ?

**Mr. A. A. L. Parsons** : (a) and (b). Yes.

(c) to (e). I would refer the Honourable Member to Section 68 of the Indian Railways Act, 1890 which reads as follows :—

“ No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket.”

**EMPLOYMENT OF CREW STAFF ON OTHER THAN THEIR LEGITIMATE DUTIES.**

1111. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state if it is true that Crew staff was often utilised in other than their legitimate duties such as guards, office clerks, etc., etc. ?

†For answer to this question, see answer to question No. 1106.



(b) Will Government please state if it is true that a circular was issued by the Chief Operating Superintendent, East Indian Railway, prohibiting this ; if so, when ?

**Mr. A. A. L. Parsons :** (a) In times of pressure, staff ordinarily employed on certain duties are utilised elsewhere where the need for their services is considered to be greater, but Government have no information of the extent to which the crew staff were utilised, if at all, for other than their ordinary duties.

(b) Government have no information.

#### CONTROL OF TRAVELLING TICKET EXAMINERS AND CREW STAFF ON THE EAST INDIAN RAILWAY.

1112. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state clearly on what grounds the control of the Travelling Ticket Examiners of Oudh and Rohilkhand Railway was transferred from Operating to Accounts Department in 1909 or so ?

(b) Will Government please state if the Public Accounts Committee decided in 1929 to transfer the control of the Crew system from Operating to Accounts Department and why it was not acted up to on the East Indian Railway ?

**Mr. A. A. L. Parsons :** (a) No records are traceable in the office of the Railway Board bearing on the question of the control of the Travelling Ticket Examiners on the old Oudh and Rohilkhand Railway system. I am unable, therefore, to give the information required by the Honourable Member.

(b) The Public Accounts Committee in their report on the accounts for 1927-28, merely suggested that the Railway Board should consider whether it would not be more appropriate to place the crew system under the control of the Accounts Department instead of under the Traffic Department. The latter part of the question does not, therefore, arise.

#### CONTROL OF TRAVELLING TICKET EXAMINERS AND CREW STAFF ON THE EAST INDIAN RAILWAY.

1113. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha) : (a) Will Government please state why the control of the Travelling Ticket Examiners has been kept now under the Operating Department of the East Indian Railway ?

(b) Will Government please state why the ticket checking department, especially the Travelling Ticket Examiners, responsible for detection of illicit travelling are not kept under an independent officer like the Watch and Ward and Government Railway Police Departments ?

(c) On what grounds has the Accounts control not been thought proper ?

**Mr. A. A. L. Parsons :** (a) to (c). I would refer the Honourable Member to paragraphs 59 to 68 of the report dated 5th August, 1930 of the Committee appointed to enquire into the working of the crew system of checking and collecting tickets on the East Indian Railway, a copy of which is in the Library of the House.

**TICKET CHECKING ON THE EAST INDIAN RAILWAY.**

1114. \***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state if it is true that Messrs. Moody and Ward, officers of the Crew Enquiry Committee, were asked by the Railway Board to submit definite proposals as to what system should be adopted in future to prevent persons from travelling without tickets ?

(b) Will Government please state why sanction has been given to adopt the present system of one or two Travelling Ticket Examiners per train as suggested by the said officers ? Is it purely a detective measure like the Travelling Ticket Inspection system ?

(c) Will Government please state whether after the abolition of the Crew system on the North Western Railway in 1924 a modified system of two men per train was started and in terms of the officers of the Crew Enquiry Committee "died its natural death" ? If so, why has this modified system been introduced on the East Indian Railway now which is called "Moody-Ward" or "Modified Crew system" ?

**Mr. A. A. L. Parsons** : (a) Yes.

(b) The present system has been adopted to check illicit travelling. Under this system, the chances of passengers without proper tickets escaping detection are so small as to make the system act as a deterrent to passengers who might otherwise entrain without proper tickets.

(c) It is presumed the Honourable Member is referring to paragraph 6 of the Moody-Ward Committee report. The scheme which is referred to as having died was the crew system of ticket checking as introduced in 1923 ; but it was found that the scheme could not be worked by two men per train. The system recently introduced on the East Indian Railway is not the crew system in force on the North Western Railway in 1924.

**TICKET CHECKING ON THE EAST INDIAN RAILWAY.**

1115. \***Shaikh Fazal Haq Piracha** : (a) Will Government please state whether the officers of the Crew Enquiry Committee, in paragraph 39 of their report, stated as under :—

"Comparatively low pay of the crewmen is probably the main cause of this tendency to slackness and corruption....." ?

(b) Is it not a fact that the grades of the Travelling Ticket Examiners in the Moody-Ward system are very much similar to those of crewmen and Crew-in-charges as given below :—

Moody-Ward System.			Crew System.		
Designation.	Pay maximum.	Allowance.	Designation.	Pay maximum.	Allowance.
T. T. E. grade First.	95	20	Crew-in-charge	90	20
T. T. E. grade Second.	64	15	Crewman ..	50	15

(c) Is it a fact that in the said report it has also been stated :

“ Little or no work goes on if the crew are left to themselves ”,

“ a marked difference is noticeable in the work of the crews if no officer or Inspector is in the vicinity ”.

(d) Will Government be pleased to state the number of supervising staff of the crewman, i.e., Inspectors, Assistant Inspectors and Crew-in-charges on four Crew Divisions ?

(e) How many Inspectors are there now over the same area as sanctioned by the Moody-Ward report ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The Honourable Member has only quoted the maximum pay of the categories affected. The minimum pay of a Travelling Ticket Examiner is Rs. 55 and while the minimum pay of a Crewman is Rs. 35.

(c) Yes.

(d) and (e). I am calling for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipts.

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1116. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is a fact that the officers of the Crew Enquiry Committee in paragraph 39 of their report stated :

“ A better policy in our opinion would be to decrease the numbers but improve the pay.... ”

(b) Will Government be pleased to state :

(i) the number of the Travelling Ticket Inspectors under Accounts Department on the whole of East Indian Railway ;

(ii) leave-salary of the Travelling Ticket Inspectors ;

(iii) number of Travelling Ticket Examiners in the Moody-Ward system ; and

(iv) leave-salary of the Travelling Ticket Examiners ?

(c) Will Government be pleased to state why as opposed to the suggestion, referred to in (a) above, the number of the Travelling Ticket Examiners has been increased and the salary of the Travelling Ticket Inspectors reduced ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) and (c). I am calling for information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1117. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if the Agent and the Chief Operating Superintendent of the East Indian Railway, in their reports on the working of the Crew system, mentioned from year to year that the system had achieved a great success and

recommended it to be confirmed and extended all over the East Indian Railway ?

(b) Will Government be pleased to state whether the officers of the Crew Enquiry Committee reported in clear terms that the Crew system is an impracticable measure and recommended that it should be abolished ?

(c) Will Government be pleased to state if it is a fact that the Agent and the Chief Operating Superintendent both agreed with the above opinion of the officers of the Crew Enquiry Committee ?

(d) If the reply to part (c) be in the negative, will Government please state what opinion was expressed by the said officers on the Moody-Ward report and whether it has been sanctioned in accordance with or against their will ?

(e) Is it a fact that the Crew system was totally condemned by the officers of the Crew Enquiry Committee and has since been abolished ? If so, will Government be pleased to state why no correct opinion was submitted by the Agent and the Chief Operating Superintendent earlier on the working of this system ?

**Mr. A. A. L. Parsons :** (a) A recommendation for the confirmation and extension of the crew system was made by the East Indian Railway Administration in March, 1928, on such information as was available at the time. In January, 1930, however, when more experience had been gained of the crew system, the East Indian Railway Administration reported that they were not satisfied with it.

(b) Yes.

(c) and (d). The East Indian Railway Administration did not express an opinion on the Committee's report, beyond agreeing with the view that the crew system should be abolished and the arrangement recommended by the Moody-Ward Committee, adopted.

(e) A reply to the first part has been given in my answer to (b) and in view of my reply to (a) the second part does not arise.

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1118. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state the total sum spent on the Crew system of the East Indian Railway from 1st August, 1926 to 31st May, 1931 (on all items separately under each head) ?

(b) Will Government be pleased to state what is the annual expenditure on the present Moody-Ward system, East Indian Railway, under the following heads :—pay, allowance and uniform of the staff ?

**Mr. A. A. L. Parsons :** (a) Government regret they cannot undertake to collect the information required as it would entail a disproportionate expenditure of time and labour.

(b) The information available is given in paragraph 56 of the Moody-Ward Report a copy of which is in the Library of the House.

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1119. **\*Shaikh Fazal Haq Piracha :** Will Government be pleased to state if it is a fact that the expenditure on the Travelling Ticket

Inspectors was less than on the Travelling Ticket Examiners under the Moody-Ward system in the East Indian Railway? If so, will Government please state why this expensive measure has been undertaken under the present state of economic depression?

**Mr. A. A. L. Parsons :** I presume the Honourable Member's reference to the expenditure on Travelling Ticket Inspectors is in connection with the arrangement in force prior to the introduction of the crew system. The arrangement now adopted has been considered necessary to safeguard revenue, as it is believed that it will be more effective in detecting passengers travelling without a proper pass or ticket than the arrangement in force prior to the introduction of the crew system.

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

1120. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if the Moody-Ward system on the East Indian Railway is a temporary measure or a permanent one?

(b) If temporary, why have the permanent staff been discharged and the salaries of the remaining lot curtailed?

(c) If a permanent measure then why have the temporary men not been confirmed?

(d) If this system is a temporary measure, will Government please state why a permanent measure has been replaced by a temporary one?

(e) If it is a permanent one, will Government please state why it has been confirmed without trial?

**Mr. A. A. L. Parsons :** (a) to (e). I have called for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

#### ALLOWANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1121. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why no mileage allowance is given to the Travelling Ticket Examiners of the East Indian Railway when they come under the category of the running staff like the guards and the drivers?

(b) Why are they paid an allowance of only annas 10 and 8 per day for long hours of journey and halt at out-stations? Is it a fact that for such journeys and halts the other running staff would earn several times more than the Travelling Ticket Examiners?

**Mr. A. A. L. Parsons :** (a) and (b). Travelling Ticket Examiners are treated differently from guards and drivers on account of the difference in the character of the duties.

#### ALLOWANCES OF CREW STAFF ON THE EAST INDIAN RAILWAY.

1122. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is a fact that the following permanent travelling allowance was paid to the Crew staff of the East Indian Railway?—

Crew-in-charge

Rs. 20 per month.

Crewman

Rs. 15 per month.

(b) Will Government please state if it is a fact that under the rules a permanent travelling allowance is admissible all the year round whether a subordinate leaves his headquarters or not ?

(c) Will Government please state if this permanent travelling allowance is admissible on casual leave or leave on average pay ?

(d) Will Government please state if it is true that the following three different ways were adopted by the East Indian Railway in respect of the payment of the said allowance to the crew staff :

*Howrah Division.*—No allowance was given when a man was on station duty and did not leave his headquarters even for a day and was not paid on casual leave or on leave on average pay.

*Dinapore Division.*—Allowance was paid whether a man left his headquarters or not for any period and also during casual leave.

*Lucknow Division.*—Allowance was given on station duty provided a man left his headquarters once a week and was not paid during any kind of leave ?

(e) If answers to part (d) be in the affirmative, will Government please state :

(i) why different methods existed on one Railway ;

(ii) which of them is the correct method ; and

(iii) who is responsible for adopting the wrong method ?

(f) Do Government propose to draw up an arrear list of payment for the staff affected by the wrong method of payment ? Was it carried on for five years on either of the three Divisions ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to reply to questions, Nos. 1122, 1123, 1124, 1125, 1126, 1127, 1130, 1131, 1132, 1133, 1134 and 1135 together.

I am calling for certain information from the Agent, East Indian Railway and will communicate with the Honourable Member on its receipt.

#### ALLOWANCES OF CREW STAFF ON THE EAST INDIAN RAILWAY.

†1123. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why no consolidated allowance was given to the ticket collectors who were designated as crewmen and Crew-in-charges in the crew system on the East Indian Railway ?

(b) Will Government please state if it is true that under the rules they were entitled to this consolidated allowance ?

(c) Do Government propose to draw up an arrear pay sheet for those ticket collectors who worked in the crew system and were not paid this allowance ?

#### ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1124. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is correct to exclude all kinds of leave, rest days, holidays in calculating average mileage ?

(b) Will Government please quote the State Railway rules with illustrations on the subject ?

(c) Is it true that wrong method of calculating average mileage of the Travelling Ticket Inspectors was adopted by the Operating Department of the East Indian Railway, which resulted in a regular monthly loss to them ?

(d) Will Government please state if it is also correct that the Travelling Ticket Inspectors appealed against this and after about 20 months correspondence the average mileage was re-calculated and majority of the Travelling Ticket Inspectors were paid the arrears ?

(e) Will Government please state the cause of this delay ?

(f) Will Government please state why, in re-calculating the average mileage, period of recorded leave was only excluded and rest days, holidays, and casual leave were not excluded ?

(g) Is it correct that during casual leave, rest days, holidays no mileage was drawn by Travelling Ticket Inspectors whereas during recorded leave they were paid average mileage to the extent of 75 per cent. of their pay ? If so, why were those days not excluded during which they did not draw any mileage ?

(h) Will Government please state whether in the case of guards periods of non-working days are excluded or not ?

(i) Do Government propose to compensate the loss sustained by the Travelling Ticket Inspectors while in the crew as a result of this wrong calculation of average mileage inasmuch as the period of all non-working days should have been excluded, which was not done ?

#### TICKET CHECKING ON THE EAST INDIAN RAILWAY.

†1125. \***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state whether as a consequence of the abolition of the crew system, which was a temporary measure, the pay of the Travelling Ticket Inspectors has been reduced, mileage allowance abolished and future increments stopped ?

(b) Will Government please state the total number of Travelling Ticket Inspectors utilised in the Moody-Ward scheme and how many of them have suffered a loss in their leave salary ?

(c) Has the cause of this heavy reduction in their salary been assigned to the abolition of their post ? If so, will Government please state in what respect the post of the Travelling Ticket Inspectors has been abolished ?

(d) Will Government please state whether the functions of the Travelling Ticket Inspectors are the same as that of the Travelling Ticket Examiners of the Moody-Ward system, and if so, how the post of the Travelling Ticket Inspectors is said to have been abolished ?

(e) Will Government please state if the Travelling Ticket Inspectors and Travelling Ticket Examiners are in general terms described as Travelling Ticket Checkers ?

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\* For answer to this question, see answer to question No. 1122.

(f) If there is any difference in their function, will Government please lay on the table a comparative statement showing a comparison and contrast of the duties of a Travelling Ticket Inspector and a Travelling Ticket Examiner ?

(g) Is it a fact that train ticket checking staff were designated as Travelling Ticket Checkers, then Travelling Ticket Examiners and after amalgamation of the East Indian Railway and the Oudh and Rohilkhand Railway, they were designated as Travelling Ticket Inspectors ?

(h) Will Government please state if the transfer of Travelling Ticket Inspectors' control and change of designation from Travelling Ticket Inspectors to Travelling Ticket Examiners is not a new thing but an old one ?

(i) Will Government please state why Ticket Collectors—preventive—and Travelling Ticket Examiners—detective bodies—have been placed under one head ? Is it not a fact that long ago it was thought necessary to keep them under different departments ?

(j) Will Government please state why the Watch and Ward Department and Government Railway Police are independent of the Operating control ?

#### PROMOTION OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

† 1126. **\*Shaikh Fazal Haq Piracha :** (a) Will Government please state whether, when the Travelling Ticket Inspectors of Dinapore Division of the East Indian Railway appealed against the appointment of outsiders over them on high pay, the following reply was given to them by the Chief Operating Superintendent in his letter No. 40/O.D./Crew of 7th August, 1928 :—

“ .....If encouraged by considerate procedure, they are going to make this a lever for getting higher appointments, for which they are not fitted. I am afraid it may lead to a revision of the decision arrived at ”.

But, when Moulvi Mohd. Yakub asked in the Legislative Assembly on the 16th March, 1929 (Question 1110) :—

“ Will Government please state on what basis the opinion was formed that the old Travelling Ticket Inspectors were not qualified for higher posts in the Crew Department ? ”

the following reply was given :—“ No such opinion was formed ”

(b) Will Government please state now as to which of them is the correct answer ?

#### DISCHARGE OF TRAVELLING TICKET INSPECTORS ON THE ABOLITION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

†1127. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why and how many Travelling Ticket Inspectors have been discharged due to the abolition of the crew system on the East Indian Railway ?

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†For answer to this question, see answer to question No. 1122.



(b) Will Government please state their names, length of service, and cause of their discharge from service ?

(c) How many of the recruits of the crew system belonging to the category of Inspectors and temporary in service were discharged from service as a result of the abolition of the crew system ?

(d) Will Government please state whether it is not a fact that permanent men were discharged and temporary men retained ? If so, why ?

**QUALIFICATIONS AND SERVICE OF CERTAIN EMPLOYEES AND THEIR PAY AFTER ABOLITION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.**

**1128. \*Shaikh Fazal Haq Piracha :** Will Government please state the departmental qualifications and the length of service of the following staff, and whether temporary or permanent, and the pay offered to them after the abolition of their posts in the crew system on the East Indian Railway.---

Messrs.

- (i) A. Latif, Chief Inspector, Howrah.
- (ii) A. H. Kuraishi, Senior Inspector, Howrah.
- (iii) A. Ghaffar, Senior Inspector, Howrah.
- (iv) G. T. Shivi, Junior Inspector, Howrah.
- (v) C. E. Chambers, Assistant Head Ticket Collector, Howrah.
- (vi) Dufold, Assistant Head Ticket Collector, Howrah.
- (vii) Day, Assistant Head Ticket Collector, Howrah.
- (viii) Kitchlu, Head Ticket Collector, Allahabad.
- (ix) J. W. Parratton, Head Ticket Collector, Moradabad Division.
- (x) K. M. Asghar, Head Ticket Collector, Moradabad Division ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to reply to questions Nos. 1128 and 1129 together.

The Railway Board are not in possession of the information with regard to the individuals mentioned in these questions for which the Honourable Member asks and are not prepared to call for it from the Railway Administration. If any of them feels aggrieved at any action which may have been taken, he has a right of appeal.

**SERVICE, QUALIFICATIONS, LEAVE-SALARY, ETC., OF CERTAIN DIVISIONAL INSPECTORS AND TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

†1129. \*Shaikh Fazal Haq Piracha : (a) Will Government be pleased to state the length of service, departmental qualifications, leave-salary (on which Income-tax and Provident Fund were deducted and which was paid during leave) of the following Divisional Inspectors of Travelling

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† For answer to this question, see answer to question No. 1128.

**Ticket Inspectors and the Travelling Ticket Inspectors on the East Indian Railway ?**

**Messrs.**

1. J. S. Roberts, Divisional Inspector of Travelling Ticket Inspectors.
2. J. Marshall, Divisional Inspector of Travelling Ticket Inspectors.
3. Bhagat Ram, Divisional Inspector of Travelling Ticket Inspectors.
4. Judge Ally, Divisional Inspector of Travelling Ticket Inspectors.
5. C. Benjamin, Travelling Ticket Inspector.
6. T. V. Liddle, Travelling Ticket Inspector.
7. Springett, Travelling Ticket Inspector.
8. Raja Bahadur, Travelling Ticket Inspector.
9. Shakir Ali, Travelling Ticket Inspector.
10. Syed Mahmud, Travelling Ticket Inspector.
11. S. N. Chakraverti, Travelling Ticket Inspector.
12. G. D. Dass, Travelling Ticket Inspector.
13. Shaikh Mahmud Hussain, Travelling Ticket Inspector.
14. Farrukh Hussain, Travelling Ticket Inspector.

(b) Will Government be pleased to state what pay has been offered to them now in the Moody-Ward system ?

**PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

†1130. \***Shaikh Fazal Haq Piracha** : Will Government be pleased to state whether rules regarding the pay and allowances of the Travelling Ticket Inspectors in the Crew system on the East Indian Railway framed in 1927 gave them the choice to elect to retain the scale of their Travelling Ticket Inspectors' post *plus* average mileage or accept the Crew scales ? If so, why were their claims not considered on their pay *plus* average mileage ?

**PROMOTION OF TRAVELLING TICKET INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.**

†1131. \***Shaikh Fazal Haq Piracha** : (a) Will Government be pleased to state if it is true that seniority has been based on pay only in allotting various posts in the Moody-Ward scheme on the East Indian Railway ?

(b) Is it a fact that the Agent O. D. in his letter No. 40|Od.| Crew, dated 7th August, 1928 said " It is unwise to base selection purely on pay " ?

**EXAMINATIONS FOR TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

†1132. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why the Travelling Ticket Inspectors in the Crew system on the East Indian Railway were compelled to appear at Crew Examinations ?

(b) Is it a fact that the Instructor Crew Training School, Fyzabad, is one of the old Travelling Ticket Inspectors possessing the same qualifications as the other Travelling Ticket Inspectors ?

(c) Will Government please quote the syllabus of the Travelling Ticket Inspectors and Crew Inspectors' Examination ?

**UNIFORMS SUPPLIED TO CREW STAFF AND TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.**

†1133. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state how much blue colour summer uniform cloth was purchased for the Crew staff on the East Indian Railway ?

(b) When was it purchased and what was the amount spent ?

(c) If a large stock is still lying, why so much surplus cloth was purchased when the Crew system was temporary ?

(d) Are Government aware of the fact that the use of the cloth caused numerous skin diseases to its wearers ?

(e) Is it a fact that even the cloth of chaprasis' uniforms is higher in price than the one which was supplied to the Crew staff ?

(f) Is it true that the same stuff is going to be supplied to the Travelling Ticket Examiners ?

(g) Will Government please state if the Travelling Ticket Examiners are going to be supplied with knickers and half sleeve shirts ? If so, will Government please state why the Travelling Ticket Examiners are going to be supplied now ? Were the Travelling Ticket Inspectors strictly prohibited the use of knickers ?

(h) Why do not Government supply them the same uniform which was supplied to the Travelling Ticket Inspectors and which is supplied to the other railway officials ?

(i) Will Government please state why no waterproof coats are supplied to the Travelling Ticket Examiners like the other running staff ?

**NUMBER OF TICKET COLLECTORS AT CERTAIN STATIONS AND CHECKING OF TICKETS AT ROAD-SIDE STATIONS.**

†1134. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state if it is a fact that the officers of the Crew Enquiry Committee stated in paragraph 53 of their report :

“ By common consent the number of the ticket collectors in the old days was inadequate ” ?

(b) Will Government please state the strength of ticket collectors at the following stations before and after the introduction of the Moody-Ward system :—

Howrah, Asansol, Gaya, Dinapur, Moghalsarai, Allahabad, Cawnpore, Tundla, Aligarh, Benares Cantonment, Lucknow, Bareilly, Moradabad, Hardwar and Dehradun ?

(c) Are Government aware that at road-side stations there is one Assistant Station Master who on arrival of the train has to perform various important duties and the passengers have either to stay in order to deliver their tickets to the Assistant Station Master when he is free or they are collected by illiterate menial staff or the passengers clear off without handing them over, as there is none to take the tickets immediately on arrival of the train ?

(d) Will Government please state the number of such stations on the East Indian Railway and those having ticket collectors ?

(e) Will Government please state how many *per cent.* stations are there on the East Indian Railway which have got fencings to keep back trespassers ?

(f) Why are no arrangements made to protect the station premises from unauthorised entry ?

(g) Is it a fact that tickets are not checked at the checking stations now-a-days as it was done before the introduction of the Moody-Ward system ? If not, why not ?

(h) If this work is proposed to be checked by the Travelling Ticket-Examiners hooked with the train, will Government be pleased to state if they have considered whether it is possible for one Travelling Ticket Examiner to finish checking in the limited stoppage at the station ?

#### TICKET COLLECTORS DISCHARGED AND REDUCED ON THE EAST INDIAN RAILWAY.

†1135. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state why and how many ticket collectors of permanent cadre were discharged on the introduction of the Moody-Ward system on the East Indian Railway ?

(b) Will Government be pleased to state whether any and if so, how many permanent ticket collectors have been reduced to Rs. 95 from Rs. 120, their length of service, and their term of service as Head Ticket Collectors ?

(c) Will Government please state the length of service of those posted in their place and the pay offered to them ?

(d) Will Government be pleased to state why this grave injustice has been done to these men ?

#### APPOINTMENT OF ACCOUNTS CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

1136. **\*Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state whether an establishment of Accounts Inspector, Crews, was maintained on the East Indian Railway to have a super-check over Crew working from the Accounts side ?

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†For answer to this question, see answer to question No. 1122.

- (b) Will Government please state the grades of these Inspectors ?
- (c) Will Government please state the names of these men and the sources from which these men were taken and their length of service on the Railway before being taken as Accounts Crew Inspector ?
- (d) Will Government please state their railway qualifications and whether they were temporary or permanent before appointment as Accounts Inspector ?
- (e) Will Government please state why a few Crewmen on Rs. 35 pay were taken as Inspectors of Accounts Crew and one of them was a discharged Travelling Ticket Inspector ?
- (f) Will Government please state why Travelling Ticket Inspectors' claims were overlooked who were Accounts hands ?
- (g) Will Government please state if the Travelling Ticket Inspectors sent appeals on this subject to the Chief Accounts Officer ? If so, why were their claims overlooked even then ?
- (h) Will Government please state whether with the abolition of the Crew system their post was automatically abolished ?
- (i) How many of them were discharged ?
- (j) Will Government please state why most of them have been retained for Accounts Super Check over Operating Travelling Ticket Examiners ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to answer to this and the following question together.

I regret I cannot undertake to make the very laborious enquiries which a reply to the Honourable Member's questions would entail.

#### ACCOUNTS CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

†1137. **\*Shaikh Fazal Haq Piracha :** (a) Will Government please state if all the Accounts Crew Inspectors on the East Indian Railway were served with a notice regarding the termination of their service from 31st May, 1931 ?

- (b) Is it a fact that afterwards it was withdrawn ?
- (c) Will Government please state whether it is true that they did no work in June 1931 because sanction for their post came in July, 1931 ?
- (d) Will Government please state if their service will be counted as continuous and whether they have been paid for June, 1931 ?
- (e) Will Government please state who from amongst them are related to the officers of the Accounts Department and other Railway officials ?
- (f) Will Government please state why Travelling Ticket Inspectors' claims have again been overlooked for this post as well ?
- (g) Is it a fact that practically all of the Accounts Crew Inspectors are Bengalis with the exceptions of only a few ? If so, will Government please state why minorities' claims have been overlooked ?
- (h) Will Government please state :—
- (i) the number of such posts, and
- (ii) the number of Hindus, Muhammadans, Sikhs and Christians ?

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†For answer to this question, see answer to question No. 1136.

**TICKET CHECKING ON THE EAST INDIAN RAILWAY.**

1138. **\*Shaikh Fazal Haq Piracha :** (a) Will Government please state whether Inspectors of various departments of the East Indian Railway are authorised to check tickets ? If so, why ?

(b) Why have they not been asked to qualify first in the checking duties ?

(c) Are they allowed to check in private dress instead of in uniform ? If so, why ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to reply to this and question No. 1139 together.

I am asking the Agent, East Indian Railway for the information required by the Honourable Member and will communicate with him when it is received.

**TICKET CHECKING ON THE EAST INDIAN RAILWAY.**

†1139. **\*Shaikh Fazal Haq Piracha :** (a) Will Government please state if it is a fact that every railway employee has been authorised to check tickets, even illiterate menial staff, on the East Indian Railway ?

(b) If so, have Government considered that it will give a chance to bogus persons to impersonate as Travelling Ticket Examiners ?

(c) Are Government aware that it will be harassing to the public to have so many men demanding tickets every now and then ?

(d) Is it a fact that a regular staff has been maintained exclusively for checking purpose, and if so, what is the necessity of having these other men for checking purposes ?

**ADMISSION OF RAILWAY MAIL SERVICE CLERKS TO THE ACCOUNTANTS' EXAMINATION.**

1140. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the clerks in the Railway Mail Service in the grade of Rs. 35 to 135 are not allowed to appear at the Accountants' examination, whereas the clerks in the same grade employed in the Postal Department other than the Railway Mail Service are allowed to appear at the said examination ?

(b) Do Government propose to allow the clerks in the grade of Rs. 35 to 135 employed in the Railway Mail Service to appear at the Accountants' examination ? If so, when ? If not, why not ?

**Sir Hubert Sams :** (a) The examination referred to is the Post Office Accountants' examination, which, as its name indicates, is with reference to the accounts of post offices, which are not the same as those of the Railway Mail Service. Accordingly, only Post Office clerks are eligible to appear for it.

(b) No, for the reason stated in reply to part (a). The remaining parts do not arise.

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†For answer to this question, see answer to question No. 1138.

**CREATION OF AN ADDITIONAL SELECTION GRADE POST IN EACH RAILWAY MAIL SERVICE DIVISION.**

1141. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that there is a selection post in the grade of Rs. 160 to 250 in each Division of the Railway Mail Service ?

(b) Is it a fact that in some Divisions the said post in the selection grade is held by Head Clerks in the offices of the Railway Mail Service Superintendents, while in other Divisions it is held by the Accountants of the head record offices ?

(c) Are Government prepared to consider the question of creating one more selection grade post in each Division of the Railway Mail Service and in each Railway Mail Service Division to fix one such selected post for the Head Clerk in the Railway Mail Service, Superintendent's office and another such post for the Accountant of the head record office ? If so, when ? If not, why not ?

**Sir Hubert Sams :** (a) and (b). The fact is not as stated by the Honourable Member. In each Railway Mail Service Division there are a number of selection posts in the grade of Rs. 160—250, the number varying according to the importance of the Division. To the office of each Superintendent of a Railway Mail Service Division is attached a post on Rs. 250—350 and a post on Rs. 160—250. The former is always held by the Head Record Clerk, who forms a part of the Superintendent's office establishment, and the other may be held either by the Head Clerk or by the Accountant of the office according to requirements.

(c) No, in the circumstances stated in the reply to parts (a) and (b) and in the present financial circumstances there can be no question of the creation of further posts.

**ADMISSION OF RAILWAY MAIL SERVICE CLERKS TO THE SELECTION GRADE EXAMINATION.**

1142. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that " junior " clerks in the grade of Rs. 35 to 135 as well as " senior " clerks in the same grade in the Railway Mail Service were admitted to the selection grade examination of 1930 in all the Railway Mail Service Divisions except the " J " Division ? If so, why were not the " junior " clerks from the " J " Division admitted to the said examination ?

**Sir Hubert Sams :** Government have not the information. The matter of selection was entirely within the competence of the Postmaster General.

**PAY AND ALLOWANCES OF STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

1143. **\*Mr. B. N. Misra :** (a) Is it a fact that there is a difference in the pay and allowances of the staff of the Secretariat and attached and subordinate offices ?

(b) If so, will Government please state the reason for such difference ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) The reasons are stated in my reply to part (d) of the Honourable Member's question No. 938, on 24th September, 1931.

CURRENCY WITHDRAWN FROM CIRCULATION AND THE GOVERNMENT OF INDIA'S NEW LOAN.

1144. **\*Sirdar Sohan Singh :** (a) Will Government be so good as to place a statement on the table showing the amounts that have been withdrawn from circulation within the last five years ?

(b) Will Government be pleased to say when the new loan is going to be closed and if they have considered the question as to whether the new loan is likely to operate against agriculturists and depress credit and prices ?

**The Honourable Sir George Schuster :** (a) The attention of the Honourable Member is invited to the statement on pages 20 and 21 of the Report of the Controller of the Currency for 1930-31.

(b) Government have not decided yet when the new loan will be closed. As stated in the notification, it will remain open until further notice. Government do not consider that the loan is likely to operate against agriculturists or depress credit and prices. On the other hand it offers an attractive opportunity to small investors which the returns, of subscriptions indicate is being considerably appreciated.

RECRUITMENT OF GOANESE IN DEPARTMENTS IN THE EAST AFRICAN COLONIES.

1145. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that about 80 per cent. of the non-European staff in the various Departments of the East African Colonies consists of non-British subjects, i.e., Goanese ?

(b) Are Government aware that due to trade depression heavy retrenchment is in progress in those colonies and many Indians with several years services have been turned out ?

(c) If the answers to parts (a) and (b) be in the affirmative, do Government propose to take necessary steps for replacing the non-British staff by British subjects and stop further recruitment of Goanese ?

**Mr. Ram Chandra :** (a) and (b). Government have no information.

(c) Does not arise.

EMPLOYMENT OF COOLIES ON THE GREAT INDIAN PENINSULA RAILWAY.

1146. **\*Rao Bahadur B. L. Patil :** (a) Is it a fact that all the *hamals* (coolies) working in the Great Indian Peninsula Railway stations, and particularly in the Victoria Terminus, Bombay, were dismissed and a contract has been given to supply *hamals* ?

(b) Are Government aware that the contractor is making huge profits and is it a fact that the *hamals* have made representations to the railway authorities and to Government complaining against the methods of the contractor ?

(c) Is it a fact that the *hamals* are mainly from the Konkan Districts that have recently suffered from heavy floods ?

(d) Has any action been taken to restore the *status quo* ?



**Mr. A. A. L. Parsons :** The Railway Board have received no representations on this matter which is one of those left to Agents of railways. I am sending a copy of the Honourable Member's question to the Agent, Great Indian Peninsula Railway.

**NON-INCLUSION OF KANARESE IN THE LANGUAGES PRESCRIBED FOR THE INDIAN CIVIL SERVICE EXAMINATION.**

1147. **\*Rao Bahadur B. L. Patil :** (a) Is it a fact that *Kanarese* is not included in the Indian languages prescribed for the Indian Civil Service examination that is now held in India and also for the probationers' course in England as notified in the *Gazette of India*, dated 2nd June, 1931, in Notification No. 162 of 1931 ?

(b) If not, what are the reasons for this discrimination ?

(c) Are Government aware that *Kanarese* is one of the languages prescribed for the various examinations in Arts for higher degrees in the Universities of Bombay, Madras, Calcutta and Mysore ?

**The Honourable Sir James Crerar :** (a) *Kanarese* is one of the languages that may be offered in the compulsory section of the examination for the Indian Civil Service in India. It is not one of the languages prescribed for the probationers' course in England.

(b) Only the most widely spoken vernacular languages of the province to which a probationer is allotted are prescribed for the probationary course.

(c) Yes.

**UNSTARRED QUESTIONS AND ANSWERS.**

**LACK OF MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.**

127. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that no medical facilities have been provided for the employees of the Government of India Press, Delhi, in their new quarters at Barakhamba ?

(b) Is it a fact that there is no dispensary nearby and are Government aware that the Press workers and their families consisting of about 2,000 persons are suffering great privations in this malaria season ?

(c) Is it a fact that nearly 75 per cent. of the Press population is at present down with a severe type of malaria and dysentery is prevalent in an epidemic form and no medical aid from Government is available for them ?

(d) Is it a fact that the Combined Hospital is too far from the Press quarters and the employees cannot take advantage of it ?

**Mr. J. A. Shillidy :** I propose to deal with questions Nos. 127 to 130 together. The majority of the press employees, like other Government servants on a pay of Rs. 15 to 149 per mensem, can, in case of illness, call in a Sub-Assistant Surgeon at their house free of charge. A first aid medical chest is also maintained in the premises of the Press for emergencies. The Government of India consider these facilities to be adequate and as the Combined Hospital in New Delhi is not at any great distance from

the site of the press, they do not consider it necessary to provide a separate dispensary exclusively for their use. No separate dispensary was also provided for the press employees at old Delhi, because the Balak Ram Hospital happened to be near at hand and was utilized by them.

The Chief Engineer has been asked to submit through the Chief Commissioner, Delhi, his proposals for constructing a primary school for the children of the press employees. These proposals will be considered by the Government of India on their receipt.

#### LACK OF MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.

†128. **Mr. S. C. Mitra :** (a) Is it a fact that medical facilities enjoyed by the Government of India Press employees for the last 19 years in old Delhi have been withdrawn with their transfer to New Delhi ?

(b) Are Government aware that with the transfer of the Government of India Press population from Timarpur (Old Delhi) to New Delhi there is no necessity for two medical officers in the Balak Ram Hospital ? If so, why one doctor cannot be provided to staff a dispensary for the Press employees ? Is it a fact that the Manager of the Press has reserved a " B " type quarter to be used as a building for the dispensary ?

#### LACK OF EDUCATIONAL FACILITIES FOR THE CHILDREN OF PRESS EMPLOYEES IN NEW DELHI.

†129. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that there were two Primary Schools for boys and girls at Timarpur for the education of the children of the Government of India Press employees at Delhi ?

(b) Is it a fact that no schools have been opened in New Delhi for the children of the Press employees since the move of the Press from Old Delhi to New Delhi last month ? If so, is it the intention of Government to deprive the children of the Press workers of all the previous facilities for education ?

#### LACK OF EDUCATIONAL AND MEDICAL FACILITIES FOR PRESS EMPLOYEES IN NEW DELHI.

†130. **Mr. S. C. Mitra :** Will Government be pleased to state if it is a fact that the Government of India Press workers at Delhi have been deprived of all facilities for education and medical attendance and that the Royal Commission on Labour recommended better facilities for the education and medical attendance of industrial workers ?

#### QUARTERS ALLOTTED TO PRESS EMPLOYEES IN NEW DELHI.

131. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that the Manager, Government of India Press, Delhi, has allotted " F " and " Duffry " type quarters to the clerks of his office ?

(b) Is it a fact that in the Government of India subordinate offices and Public Works Department quarters lower than " E " type are not allotted to clerks ? If so, why inferior type of quarters have been given to Press clerks ?

(c) Are Government aware that great discontent is prevailing amongst the Press clerks owing to the treatment meted out to them ?

(d) Is it a fact that according to the allotment rules made by the Manager himself junior clerks were entitled to " E " type quarters ? If so, why is the Manager not giving effect to the rules framed by him and approved by the Controller of Printing and Stationery ?

(e) Is it a fact that Press clerks have brought their grievances to the notice of the higher authorities, but no action has so far been taken to redress their grievances ?

**Mr. J. A. Shillidy :** (a) to (e). Residential quarters attached to the Government of India Press at New Delhi have been constructed with due regard to the pay and status of the employees of the Press including clerks. Rules regulating the classification and allotment of these quarters are still under the consideration of the Government of India and pending their issue allotments have been made on a provisional basis.

#### APPOINTMENT OF A LAND AND DEVELOPMENT OFFICER IN THE PUBLIC WORKS DEPARTMENT, NEW DELHI.

132. **Mr. Gaya Prasad Singh :** (a) Is it a fact that a new officer has been appointed as Land and Development Officer in the New Delhi P. W. D. this year ?

(b) Is it a fact that before this officer was appointed, the duties of Land and Development Officer and P. A. to the Chief Engineer were carried on by one officer ?

(c) Is it a fact that the officer is still on probation ?

(d) Is it a fact that a considerable number of poorly paid clerks of the Delhi P. W. D. have been retrenched and turned out of service recently, whereas this highly paid appointment of Land and Development Officer has been created ? What is his pay ?

(e) What is the justification for the appointment ?

(f) Is it a fact that the works in New Delhi P. W. D. are nearing completion ?

(g) In view of the acute financial stringency, do Government propose to dispense with the services of the Land and Development Officer ? If not, why not ?

**Mr. Ram Chandra :** (a) A whole-time Land and Development Officer for New Delhi, who is directly under the control of the Chief Commissioner was appointed in October, 1930.

(b) The Personal Assistant to the Chief Engineer performed the duties of Land and Development Officer in addition to his own from the 1st April, 1928 to the 17th March, 1930.

(c) Yes.

(d) Notices for termination of service have been given to a certain number of temporary staff—gazetted and non-gazetted, and on various rates of pay—in the Central Public Works Department. The Land and Development Officer draws a pay of Rs. 800 per mensem *plus* a motor car allowance of Rs. 100 a month.

(e) The Honourable Member's attention is invited to paragraph 39 of the Standing Finance Committee's proceedings, dated the 22nd January, 1929, a copy of which is available in the Library of the House.

(f) Yes.

(g) The question will be considered in connection with the recommendations of the Retrenchment Advisory Committee.

#### DHOBİ GHATS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

133. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if it is a fact that for every 25 quarters one big *dhobi ghat* has been constructed in the Press quarters recently built at New Delhi for the Press staff ?

(b) Is it a fact that nearly 12 such *dhobi ghats* have been built for a staff of about 270 employees living in the quarters ? If so, what was the necessity of building so many *dhobi ghats* and what is the amount of expenditure incurred in constructing and fitting water pipes in those *dhobi ghats* ?

(c) Who will pay the cost of filtered water supply in those *ghats* ?

**Mr. J. A. Shillidy :** (a) and (b). No. There are in all only six *dhobi ghats* to serve over 400 employees. Together with their families, there are estimated to be 1,500 persons on the Press estate.

(c) Bills for the water consumed will be sent to the New Delhi Municipal Committee for payment. It is understood that they make certain recoveries from the *dhobies* in the form of a licence fee.

#### QUARTERS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

134. **Mr. S. C. Mitra :** (a) Is it a fact that in New Delhi one " B " type and three " C " type standard size quarters were sanctioned by the Government of India for the high-paid Reading Branch and supervising and clerical staff of the Press employees ? If so, is it a fact that the Engineer-in-Charge of the project has built an inferior design of quarters, triangular in form, in place of the standard type ? If so, what is the authority for that ?

(b) Have Government compared the plans of the standard type of quarters with the ones actually built for the Press employees noted above ; if not, why not ?

(c) Is it a fact that a room four feet square is called an ' Entrance Hall ' in the plan of the so-called " B " and " C " type quarters and many doors and fittings have been fitted ? If so, why ?

(d) Is it a fact that the doors fitted to the quarters are so small that beds and furniture cannot be taken in without dismantling them ?

(e) Why have the said " B " and " C " quarters been constructed adjoining duffry type quarters ?

(f) What is the name of the engineer or architect who has designed these quarters and what are his qualifications ?

**Mr. J. A. Shillidy :** (a) The reply to the first part is in the affirmative. As to the second part, the quarters actually built were naturally designed to suit the new site. The accommodation provided is somewhat

less than that allowed in the standard " B " type of quarter but is greater than in the case of the " C " type quarters.

(b) Government have not themselves compared the plans but they were approved by responsible authorities.

(c) No. The room in question is 6' 6" square and no unnecessary door has been put in.

(d) The doors are of the same size as in the standard type of quarters.

(e) The architect was asked to place these quarters as near as possible to the main Press building and they therefore adjoin the dufftries' quarters but are divided off from them by walls.

(f) Mr. R. M. Love, A.R.I., B.A.

#### BUNGALOWS FOR THE MANAGING STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

135. **Mr. S. C. Mitra** : Is it a fact that two gazetted officers' bungalows have been built for the managing staff of the Press, although there is only one gazetted officer in the Press ? At what rate is rent recovered for these bungalows ?

**Mr. J. A. Shillidy** : One " C " class bungalow and one " D " class bungalow have been constructed for the Manager, who is a gazetted officer, and for the Assistant Manager, who holds a non-gazetted post. The latter class of bungalow is not reserved for gazetted officers only. The Manager of the Press is entitled to rent-free quarters. The question of the rent to be charged from the Assistant Manager is under consideration.

#### PLAN OF QUARTERS PROVIDED FOR PRESS EMPLOYEES IN NEW DELHI.

136. **Mr. S. C. Mitra** : (a) Will Government be pleased to state if it is a fact that the open spaces called squares provided in the Press quarters are considerably smaller than those in the Secretariat quarters ?

(b) Is it a fact that even the small space in the Press quarters has been occupied by building *dhobi ghats* and places for dumping night soil called pail shutes and there is no open space left for the children to play ?

(c) Is it also a fact that in the Press quarters all the latrines face towards the squares and standing in the squares one can see nothing but rows of latrines, *dhobi ghats* and pail shutes for night soil ?

(d) Is it a fact that the squares and quarters have been designed by an architect specially brought out from England for the purpose ? If so, what are the name and qualifications of that architect and what pay is given to him ?

**Mr. J. A. Shillidy** : (a) The areas at the back of the Press quarters are certainly smaller but they are not intended as playgrounds. There are open spaces in the front of the quarters for this purpose.

(b) Yes. This is the purpose for which they were designed.

(c) Yes. The conveniences referred to have naturally been placed at the back of the quarters and not in front of them.

(d) For the name of the architect please see the reply to part (f) of the Honourable Member's question No. 134. He was not engaged specifically for this work. His rate of pay is Rs. 1,275 per mensem, plus £30 overseas pay.

RENT FOR BUNGALOWS RECOVERED FROM THE MANAGER AND ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

137. **Mr. S. C. Mitra** : Will Government be pleased to state whether any rent is recovered from the Manager and the Assistant Manager of the Aligarh Press for the bungalows occupied by them ? If not, why not ?

**Mr. J. A. Shillidy** : Both the Manager and the Assistant Manager of the Government of India Press, Aligarh, have been granted rent-free quarters as they are required to live in the premises in connection with their duties in the Press and the Postal Workshop.

RECRUITMENT TO THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

138. **Mr. S. C. Mitra** : (a) Is it a fact that ministerial branch selection examinations are held by the Public Service Commission, when necessary, with a view to select suitable candidates for appointment to the ministerial establishments of the Government of India Secretariat and its attached offices ?

(b) Is it a fact that appointments are made in the Third Division of the clerical establishments of the Government of India Secretariat and its attached offices from the list of candidates who have passed the Public Service Commission examinations ?

(c) Is it a fact that in declaring the results of the examinations the Public Service Commission have due regard for the redress of communal inequalities ?

(d) Is it a fact that all the qualified Third Division clerks of the minority communities, including those who were declared qualified on a communal basis at the last two examinations of the Public Service Commission, have been provided for in the Departments of the Government of India and their attached offices, and that in spite of this the Home Department have issued orders recently to the effect that unqualified Muslim clerks and lady clerks should be employed in preference to the qualified candidates in certain vacancies in those offices ? If so, why ?

(e) Are Government aware that the orders referred to in part (d) are calculated to defeat the object for which the Public Service Commission ministerial selection examinations are held and have caused a good deal of discontent and resentment amongst the successful candidates on account of those orders ? If so, do Government propose to consider the question of cancelling those orders ?

(f) If the reply to part (e) is in the negative, will Government please state the reasons which render it necessary that recruitment to the clerical establishment of the Government of India Secretariat and its attached offices should be made through the examinations conducted by the Public Service Commission ?

**The Honourable Sir James Crerar :** (a) and (b). Yes.

(c) The redress of communal inequalities is a matter for Departments of the Government of India who are charged with the responsibility for preventing the preponderance of any one class or community. The Public Service Commission only supply the names of candidates of minority communities when they are asked for such candidates by the Departments.

(d) The reply to the first part is in the affirmative. As regards the second part, I would point out that the orders are to the effect that unqualified ladies and Muslims may be employed temporarily in vacancies earmarked for those categories until qualified candidates of the respective categories are available for appointment.

(e) and (f). Do not arise.

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#### ELECTION OF MEMBERS TO THE ADVISORY PUBLICITY COMMITTEE.

**Mr. President :** I have to inform the Assembly that the following seven Members have been elected to the Advisory Publicity Committee, namely :

1. Mr. Arthur Moore.
2. Mr. P. G. Reddi.
3. Nawab Major Malik Talib Mehdi Khan.
4. Rao Bahadur Chaudhri Lal Chand.
5. Mr. Badri Lal Rastogi.
6. Mr. M. Maswood Ahmad.
7. Muhammad Azhar Ali.

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#### RECOMMENDATION OF THE INTERNATIONAL LABOUR CONFERENCE *RE* PREVENTION OF INDUSTRIAL ACCIDENTS.

**Mr. J. A. Sluiddij** (Secretary, Industries and Labour Department): Sir, on the 7th July 1930, a Resolution moved on behalf of Government was adopted by this House recommending that the Governor General in Council should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents adopted by the Twelfth International Labour Conference, 1929, and that the results of this examination should be placed before this House within 18 months from that date.

In pursuance of this Resolution a letter was addressed to all the major Local Governments and the Chief Commissioner of Delhi asking for their views. The replies have now been received, in the light of which the Government of India have undertaken a further examination of this Recommendation.

While there is a general agreement with the principle underlying the Recommendation, there is considerable criticism of the details. The Recommendation is divided into four parts and comprises no less than 23 Articles covering a very wide field of activities. The preamble to

the Recommendation extends its application "to agriculture, taking into account the special conditions of agricultural work". The general view of Local Governments, with which the Government of India are in agreement, is that in some respects the Recommendation goes beyond what is possible or necessary in the existing stage of industrial development of the country. In particular it is considered that, even with the proviso contained in the preamble, the application of this Recommendation in any form to agriculture would be inoperative in practice. The use of machinery in agricultural operations is in its infancy throughout India and it would be impossible to take any effective action which would ensure that legislative or administrative orders were carried out. Moreover, it is pointed out that both Parts I and II of the Recommendation presuppose an amount of co-ordination and co-operation between the three parties concerned, namely, Government, the employer and the employee which cannot be expected in existing Indian conditions. Labour in this country is still to a large extent migratory, illiterate and insufficiently organised to be able to undertake the various duties which are implicitly required of it by the Recommendation. In addition, there are certain proposals, particularly those relating to industrial accident insurance, psychological and physiological research, which postulate the existence of organisations and agencies which are either non-existent or still imperfectly developed.

On the other hand, the replies from Local Governments indicate that many of the items in the Recommendation are already in operation in varying degrees and that, in certain directions, further progress is possible and desirable. Indeed, many of the details involved in the Recommendation also find mention in the report of the Royal Commission on Labour. Thus, although the terms of the Recommendation cannot be accepted as immediately practicable, they may be regarded as forming a standard which employers, employees and inspecting authorities may gradually work up to in the future. Of the four parts into which the Recommendation is divided, Part III dealing with the legislation which each State Member should undertake is the only one on which definite action can be taken by Government. For the remaining parts, Government are dependent on persuasion and must first secure the co-operation of private organisations and associations. So far as legislation is concerned, Government are anxious that it should not be undertaken piecemeal. The Royal Commission on Labour have examined the working of the Factories Act and the Mines Act which are the principal Acts concerned and have made recommendations for their amendment and revision including proposals for industrial safety. The Recommendation of the International Labour Conference will need to be re-examined in the light of the Report of the Royal Commission on Labour, which has only lately been published. The examination of the Report is at present being pursued, but until this is completed, Government will obviously not be in a position to take any action. It may also be mentioned that the last reply from a Local Government to the Government of India's circular letter regarding this Recommendation was received only towards the end of June last, and, in view of the numerous criticisms of the details, the time available has been inadequate for arriving at any definite conclusions. As the Report of the Royal Commission on Labour covers the same ground as the Recommendation, the Government of India propose to proceed with the consideration of the latter simultaneously with the former and to give effect to it so far as may be practicable.



**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Do I take it that the Government of India, in the light of their examination of the Labour Commission's Report and also these Recommendations, will themselves bring forward legislation without our applying pressure on the Government ?

**Mr. J. A. Shillidy** : I think I explained once before in answer to a question that there were a great many of these Recommendations of the Labour Commission, the decision on which would rest with the Local Governments. There were other matters in regard to which either the Local Governments or the Central Government could take action by executive order. As regards the legislation which the Honourable Member refers to, we are at present engaged in examining the recommendations of the Labour Commission. Some of these recommendations as I said will have to go to Local Governments. There are other recommendations which we have previously examined, the results of our examination having been given to the Labour Commission, and on these we shall certainly try to take action and prepare legislation as soon as possible. I can assure the Honourable Member that no pressure will be required from this House on Government to undertake that legislation.

**Mr. B. Das** : Does the Honourable Member expect that he will bring in such legislation at the winter session at Delhi ?

**Mr. J. A. Shillidy** : I would be most unwilling to give any promise, but our hope at the present moment is that there will certainly be certain legislation in the Delhi Session.

#### THE INDIAN PRESS (EMERGENCY POWERS) BILL—*contd.*

**Mr. President** : The Assembly will now resume further consideration of the Press Bill. Does any Honourable Member wish to move amendment No. 41 ?

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Yes, Sir. I move :

“ That in sub-clause (1) (b) of clause 4, before the word ‘ directly ’ the words ‘ subject as above ’ be inserted.”

This amendment has been given in pursuance of the note of dissent of the minority in the Select Committee. I may refer to their note of dissent which says:

“ Particularly in clause 4 (b) the closing lines to the effect that any printing press which directly or indirectly expresses approval or admiration ‘ of any person, real or fictitious, who has committed or is alleged to have committed any such offence ’ are too wide and might expose a person who incidentally comments upon the merits of the offender unconnected with the offence and without detracting from its gravity to the penalty of the section. We think that the clause should be made subject to the dominating purpose of clause (a).”

With that object in view, this amendment has been moved.

**The Honourable Sir C. P. Ramaswami Aiyar** (Law Member) : Mr. President, if my Honourable friend would realise that the word “ such ” occurs in two places in clause 4 (1) (b), he will see that what he really has at heart is carried out by this sub-clause, because if “ subject as above ” means anything more than that, it is superfluous and may lead to ambiguities. What I am saying is this : my Honourable friend wants to insert the words “ subject as above ” before the word “ directly ”, so that

it would read "subject as above, directly or indirectly express approval or admiration of any such offence or of any person, etc., who is alleged to have committed any such offence." The word "such" is correlated to what precedes and therefore there ought to be no real difficulty in the matter.

**Mr. President:** The question is:

"That in sub-clause (1) (b) of clause 4, before the word 'directly' the words 'subject as above' be inserted."

The motion was negatived.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I beg to move:

"That the words 'or indirectly' appearing in sub-clause (1) (b) of clause 4 be omitted."

The object of this amendment is this. As I submitted to the House yesterday, the clause vests a vague and very wide power in the hands of the executive. The word "indirectly" embraces a very wide range of subjects, and as the use of the power rests in one hand, probably on the report of the C. I. D. or of some member of the C. I. D., it is absolutely necessary that this power should be circumscribed and the words "or indirectly" be omitted. Sir, I move.

**The Honourable Sir C. P. Ramaswami Aiyar:** Mr. President, from the observations of the Honourable Member, it would appear that he is apprehensive lest the word "indirectly" should be extended unduly, but it must be remembered that the object of this Bill is to strike at a certain movement which is extolled or encouraged. Now, very rarely does it happen that the encouragement or eulogy is a direct eulogy—very rarely indeed does it happen that a newspaper article says that such and such a murder is an excellent thing or such and such an assassination is commendable. What they often do,—to cite an example,—is that a story is narrated, a kind of serial story in which it is stated that a certain lady, a queen in this case, strangles a General. She goes on to say, "As I have strangled so and so, let all the white people be strangled." But then another person says that is not right, so on and so forth. That is an extract which I have in mind, one out of these extracts which are before the House. My contention therefore is that if you want to hit this particular evil, if you want to combat this trouble, you cannot restrict your activities to direct eulogy or commendation, because no newspaper is indiscreet enough to indulge in such, and therefore this amendment is out of place.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadian): Sir, I want to ask just one question. A newspaper publishes certain court proceedings in which an accused, say in a conspiracy case, has made a statement that he has murdered or wants to murder a particular individual. Now, will not the use of the word "indirectly" bring him under the purview of this section? I want only to know this.

**The Honourable Sir C. P. Ramaswami Aiyar:** My Honourable friend proves too much. If the publisher is perfectly accurate in what he has published, he will not come within the scope of this Bill, because if a newspaper publishes a comment of some proceedings in a court in which an accused person has made certain very dangerous statements, that would not be direct approval, and that is not the intent of this clause, because the whole question is whether the report of the proceedings has got the object or the effect of inciting or encouraging. If a newspaper publishes

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accurate reports of the proceedings of a court and confines itself to that, no Magistrate or High Court would say that that is itself incitement. But cases might easily be conceived of where, under the guise of publishing these proceedings, something more is sought to be done which will come within the purview of this section. The elimination of the word "indirectly" will not improve matters.

**Mr. President :** The question is :

"That in sub-clause (1) (b) of clause 4, the words 'or indirectly' be omitted."

The motion was negatived.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move.

"That in sub-clause (1) (b) of clause 4, the words 'real or fictitious' be omitted."

My contention is that the word "real" is redundant and unnecessary, because the person is a real person. But as regards the word "fictitious" my argument is based on a still stronger ground, because they make indelible even the eulogy or admiration of a fictitious person supposed to have committed murder or violence, even if he does not incite or encourage murder or violence. One could understand if the admiration or eulogy of the fictitious person, who is supposed to have committed a murder, resulted in incitement or encouragement to some kind of violence, because there would then be some justification for the use of this word. Now, the clause is already too wide, because it covers indirect incitement to murder. Will the Honourable the Law Member explain why Government have put these words "real and fictitious" in this clause also, because it will endanger persons delineating historical narration or writing a book or fiction. There may be a description of supposed murders and there may be reasons to admire their conduct, but if it does not lead to incitement to murder or violence, I do not know how it can come within the purview of this Bill at all. Sir, I move.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, I rise to support the amendment which has been moved by my friend Mr. S. C. Mitra, and the reason for my supporting my friend is this. In the Statement of Objects and Reasons to the Bill it is stated, "This Bill reproduces the first Bill as amended by the Select Committee". When the Honourable the Home Member made the motion for referring this Bill to the Select Committee, he said that Government have not sought to go one inch beyond the actual necessities of the case, but, Sir, I find in practice that the Home Member is not only going beyond one inch, but is going beyond one yard and more than that, because it has been definitely stated by my friend Mr. Mitra that the word "real" is redundant. There is also sufficient ground for us to oppose the placing of the word "fictitious" in this measure. I want to draw the attention of the Honourable the Law Member to one point. He just observed on the amendment which was last moved in connection with the omission of the words "directly or indirectly" that really papers which extol murder or violence cannot be brought within the purview of this measure and therefore it is necessary to retain the word "indirectly". I think the words "directly or indirectly" cover all the points, and the words "real or fictitious" need not be put

on the Statute-book. I hope the Honourable Member will see his way to at least accept this small amendment. With these words, I support my friend Mr. Mitra's amendment.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : Sir, I do not rise to support my friend's argument in the hope that it will receive that amount of attention from the Treasury Benches that it ought to. During the last three days we have been debating about the necessity or otherwise of this measure, and I have come to know sufficient of the mentality of the Mover of this Bill, so that I think it useless to stand up to support any amendment that may be proposed by my friends on this side. Now, if I rise to support my friend's amendment, I once more reiterate that it is not in the hope that it will be accepted by the Treasury Benches, but with a view to point out to them their error in endeavouring to kill not only the Press of India, but the literature of India. And if it falls upon deaf ears on the other side, as it will, I am sure there is a wider public which will condemn this portion of the Bill at least, if not the other portions, with the same voice and with the same unanimity as we have done on this side of the House.

Sir, open the pages of any of the books of our literature in Bengal. I yield to none on this side of the House about the glorious literature that we in Bengal have put forth during the last century, not excepting the Tamil literature which is as old as 2,000 years. (*The Honourable Sir C. P. Ramaswami Aiyar* : "4,000 years.") But at the same time, I think that at the present time, of all the living languages in India, we in Bengal can boast of a literature which no other language of this country can boast of. Begin from some of the books written, say, 70 or 80 years ago, for example, that great poem called *Britra Sanghar*, wherein there is certainly an approval of the murder of *Daityas*. Now, Sir, I hope my Honourable friends on the other side—*Sadhus*—are not so many *Daityas*. Sir, if that book is not an incitement to the murder of the *Daityas*, i.e. the demons, I think if my Honourable friend is a real *Sadhu*, he will join with me in having those demons killed. They are a blot on the civilisation of humanity and human history. Then I shall cite before you only one or two other books from the literature of my province. Let me mention, *Krishna Kanta's Will*,—one of the best works of fiction which not only my literature possesses, but I think it can rival any of the best works of fiction in the world. There *Rohini*, that dissolute woman, was murdered, and therein you will find the approval of the murder of that dissolute woman. Will you ask our authors, will you ask our novelists, not to write in that strain? Then, again, there are historical facts, about which there are poems. Take for example *Kurukshetra*—and I do not refer to *Palasir Juddha* by Nabin Chandra Sen, who was a servant of the bureaucracy which sits here on the opposite Benches. The very same author wrote *Kurukshetra*, and therein you will find an approval of murder. You will strike at the source of all literary activities if you really bring in the words "real or fictitious" in that way. Unless you have lost reverence for all the products of intellect, unless you have lost respect for human culture, and may I add human morality, you will not introduce such words here. My Honourable friend on the other side observed that, by taking away the words "directly or indirectly", you will render the section innocuous, because he said that no newspaper incites to murder directly but by an indirect way. I say here you are not only indirectly gagging our

[Mr. Amar Nath Dutt.]

literature, but you are striking at the very fountain source of the intellect of the nation. You are trying not only to kill the Press but our literature also. We do not care if they go away from this land and thus enable our literature to flourish. In fact, before the introduction of printing press we had our Vedas, we had our Gitas, and the wisdom contained in those great books was handed down from sire to son, and it is still a source of inspiration to the millions in this country. Take away the Press, I won't grudge it, but in the name of taking away the liberty of the Press and forfeiting the same, don't gag the literature of this country, don't gag our poetry, don't gag the source of our inspiration for all that is great and good in human nature. Sir, I know that the Government will not accept this amendment. I will not add any words which may incite you to abuse us as you have been doing for the past few days. I know the reason of those abuses, and in fact, as you have a bad case you have no other argument than the argument of the fish woman. I wish that you had still some good sense left in you not to press for the retention of the words "real or fictitious".

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : I rise to support the amendment moved by my Honourable friend Mr. Mitra. Here we have got the word "incite" which is capable of covering both "directly or indirectly" and "real or fictitious", because "incite" is a much wider term and it is capable of covering all these things. By adding these words we are putting a wrong emphasis on them. With these few words I support the amendment.

**The Honourable Sir C. P. Ramaswami Aiyar** : I rise with some trepidation because it has been suggested that the addition of this particular word "fictitious" might involve either the condemnation or the destruction of very valuable literature. If I really felt that the glorious specimens of literature to which allusion had been made by my Honourable friend opposite would be hit by this addition, I should be very loathe to support it. But, Mr. President, I am afraid that there is a little confusion about this matter.

The word "person" has been defined in the General Clauses Act of 1897, and if it stood by itself, it would eliminate all possibilities of any document coming within this clause, which by a dexterous use of pseudonyms might serve the same purpose as the use of the real name but yet be outside this clause. Let me illustrate this, but before doing so, let me preface my statement by at once remarking that it is true that there are a great many works of literature in which killing has been referred to and generally extolled or eulogised. As a matter of fact, the Gita, which my Honourable friend on the other side and myself both regard as revelation, suggests that on the field of battle, physical or spiritual, you should not flinch from destroying your enemies. That class or category of work is really dealt with, Mr. President, by the Explanation which makes it abundantly clear, "No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a)".

**Mr. Amar Nath Dutt** : The sting lies in the tail.

**The Honourable Sir C. P. Ramaswami Aiyar** : Most of the insects which have stings have them in the tail. What I am trying to prove is

that that category of real literature is excluded in that explanation. Suppose for a moment that the words "or fictitious" were omitted. There is nothing to prevent exactly the same thing which will be dealt with if real names were mentioned escaping beyond the ambit of the section by putting in asterisks or using some other device and then asserting that no real person has been referred to and so it does not come within the meaning of this clause. We are not all *Sadhus* and I do not know what particular advertence was made when my friend opposite referred to *Sadhus*. I am not a *Sadhu* myself, but at the same time we are all anxious that works of pure art or literature should not be proceeded against. There is no doubt that pure art or literature might be so twisted as to come within the scope of this Bill. Suppose a person wrote a wonderful poem which extolled murder definitely. There is no doubt that it would come within this Bill. The attempt is to combine the two things, firstly, to except literature unless it has that specific tendency referred to in this Bill, secondly, to make it clear that no devices or evasions by substitution of fictitious names for real names should exempt persons who are otherwise guilty under the Bill.

**Mr. B. Das :** Will it apply to literature already existing or to new literature ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Apart from the general non-retrospectivity of Acts, it is impossible to conceive that suddenly the publisher of the Gita should be prosecuted under this Bill.

**Mr. B. Das :** The printers of the Gita might be prosecuted.

**Mr. President :** The question is :

"That in sub-clause (1) (b) of clause 4, the words 'real or fictitious' be omitted."

The motion was negatived.

**Sardar Sant Singh :** I beg to move :

"That in sub-clause (1), of clause 4, for all the words beginning with the words 'the Local Government may, by notice in writing' and ending with the words 'wherever found in British India to be forfeited to His Majesty' the following be substituted :

'the Local Government may apply to the High Court for the local area in which such press is situate stating or describing the words or signs or visible representations which in its opinion are of the nature described above. The High Court shall decide in the manner hereinafter provided if the newspaper, book or other document in respect of which the application is made did contain any words, signs or visible representations of the nature described above.'"

I want to draw the attention of the Honourable Members as to how the clause will read after making the amendment I suggest. I am not objecting to part (a) or (b), but I want all the words beginning from "the Local Government may, by notice in writing" up to the words "forfeited to His Majesty" deleted, and the words I have read out to be substituted in their place. My submission is that, in moving my amendment, my object is to judicialise the proceedings from the very beginning. I shall recall to Honourable Members what I said yesterday in moving my amendment to clause 3. I was not surprised when the executive authorities opposed the principle of judicialising the proceedings, but my surprise was greatest when I found the Honourable the Law Member getting up and defending the executive action. I am reminded of the story of Mansur who was punished to be stoned by the public. He was taken

[Sardar Sant Singh.]

through the town and everybody threw brickbats at him under the orders of the executive. As he was passing along, a friend of his who knew him and understood his teachings threw a flower at him in order to conform to the order. Mansur retained his self control and seemed

to be indifferent to the shower of stones that hurt his body, but when the flower of his friend touched his body, he began to cry aloud. His custodians asked him what the matter was. "Why should this flower pain you more than the brickbat?" they enquired. He replied, "The other people did not know what they were doing, but this friend knew me—his flower hurts me more than the shower of stones." One can understand the executive trying to grasp and keep the power in its own grip, but one fails to understand, and to appreciate a gentleman who is not only an eminent lawyer himself but has risen to his present position on account of his ability and application of legal principles during his life, and probably his present position due to his intellectual gifts in the forensic field solely. I refer to the Honourable the Law Member. (Laughter.) I may add that he has got qualities of heart also! But when he got up to defend the theory that the rule of executive should be substituted for the rule of law, it pained me a good deal—and not only me, but I am expressing the sentiment of the whole country when I say that this is a very painful affair. Now this makes me put my case rather more vehemently than I should have done. In spite of the knowledge that we have got very few votes at our command, and in spite of the fact that we know that we shall be defeated, we have the consolation of feeling that there is the larger audience outside to judge between us and the executive, and that larger audience is fit to appraise the merits and demerits of this Bill. My submission is that, in order to convince my friend, I think I should bring a very high authority to bear upon my arguments; so I have decided to read out a certain portion from this book, "The New Despotism", written by no less an authority than the Lord Chief Justice of England and published as late as 1929.

**Mr. Amar Nath Dutt** : This is not a *new* despotism—it is an old despotism!

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Are you not satisfied with your yesterday's quotations?

**Sardar Sant Singh** : It is at page 24 :

"Dicey, in his classical work on the law of the constitution, enumerates three distinct conceptions which are involved in the statement that the English constitution is characterised by the supremacy of the rule of law. The statement means, first, that in England no man can be punished or can be lawfully made either to suffer in his body or in his goods except for a distinct and definite breach of law, established in the ordinary legal manner before the ordinary courts. It means, secondly, that in this country not only is no man above the law but that every man, whatever his rank or condition may be, is subject to the ordinary law of the land and the jurisdiction of the courts. And, finally, it means that the general principles of our constitution are mainly the result of judicial decision determining the rights of private persons in particular cases brought before the courts."

This, then, is the conception of the rule of law. Sir, the Honourable the Home Member, while replying, referred to certain exceptions existing in England even and he was pleased to illustrate his position by referring to the obnoxious trades and other matters. Well, to my limited

intellect I cannot understand what he means and how the analogy holds good. When the executive is given power by the Legislature to pass a certain Bill, certainly despotism takes a different form. What was the old despotism? The despot sat in his place, and with the advice of his ministers or without the advice of his ministers, issued a decree or an ukase, and that was binding upon every individual. What is the new despotism? Under it, you establish a majority and by that majority you place before the Legislature a Bill and say, "Here is a law we want you to enact", and instead of issuing a decree without the sanction of the Legislature behind it, you pass it by the help of the mere force of numbers. What difference does it make? The old despotism is changed into the new despotism by the mere change of form,—nothing more. It remains there in substance. The real point, Sir, again brought forward by the Lord Chief Justice in England is, as he says :

"To summarise the matter, it may be said that the rule of law comprehends and denotes the following principle. No one can be lawfully restrained or punished or condemned in damages except for violation of the law, established to the satisfaction of a judge or jury or a magistrate in proceedings regularly instituted in one of the ordinary courts of justice. The rights of personal liberty and of freedom of speech, the liberty of the press and the right of public meetings are all the result of the application of this fundamental principle. Secondly, every one, whatever his position, minister of State or Government official, soldier or statesman, is governed by the ordinary law of the land and personally liable for anything done by him contrary to that law and is subject to the jurisdiction of the ordinary courts of justice, civil and criminal."

Now some Honourable Member may get up and say that there is the Judicial Protection Act for the Judges and there are certain other exceptions to this principle, meaning thereby that the rule of law as it is found in England does not find the same place in India. I know it that the exceptions have been created and that the executive has armed itself with the power to punish without reference to the procedure they ought to adopt, but it does not mean that, because there are exceptions already existing, therefore we should go on adding to them. If this country is to be governed by public opinion and with the aid of public opinion, then in that case it is absolutely necessary that the executive should move in response to public opinion, not in contravention of it. Therefore, my submission is that the present clause 4 offends against this rule. Further on, the learned Chief Justice has given the advantages which will follow from placing the matter in the hands of courts of justice instead of in the hands of the executive. He says :

"The work of a court involves many important ingredients, as for example :

- (i) that the judge is indemnified and is personally responsible for his decision ;
- (ii) that the case, subject to rare exceptions, is conducted in public ;
- (iii) that the result is governed by the impartial application of principles which are known and established ; and
- (iv) that all parties to the controversy are fully and fairly heard."

In other words, the decision of a court in every important respect is sharply contrasted with the edict, however benevolent, of some hidden authority, however capable, depending upon processes of reasoning which are not stated, and the enforcement of a scheme which is not explained. The administration of the law of the land in the ordinary court presupposes at least personal responsibility, publicity, uniformity and the hearing of the parties. These are the advantages of public trial. How can the Honourable Members on the Treasury Benches come forward and say that the Indian Press will not have those fundamental



[Sardar Sant Singh.]

advantages guaranteed to them. The European Press will be free to write and say anything they like, but the Indian Press will be muzzled and bound down by an order passed behind their back. That is the position. If the thing is to be placed before the ordinary Judges and everything is to be done in public under the same procedure which is applied to the ordinary criminal, then everybody has a right to judge whether the culprit has been treated fairly or in a partial manner. Therefore my submission is that my friend the Law Member's position is not certainly clear to me when he says that there are occasions when the executive should be given the opportunity, and he claims that this opportunity should be given in this particular case because it is an emergency measure. What is the emergency measure? If this is an emergency measure, I would advise him, as the state of the country is going from bad to worse every day, to suspend all laws and all courts. After all we are in want of money. Disastrous taxation is facing us at the present moment and savings have to be made. Why not do away with the Magistrates, High Courts and all the paraphernalia that exist in the land and let the executive Government do as they please? Why not introduce legislation to the effect that for two years to come there will be no courts, no Magistrates, no Judges? That will be very much better. And here I am reminded of an article written in the *Statesman* which probably out-Herods Herod. In this article, dated the 27th September, the Editor writing under the caption "More Violence" says :

"It is the duty of an elected legislature to secure as far as possible that the innocent cannot suffer from the law. Since the Government must desire the same it has found no difficulty in creating a water-tight Bill by substantial alterations in title, preamble and text which clearly define the scope of the measure."

This is after the Bill came out from the Select Committee. Then it says :

"A murderous Press is a disgrace to the profession and we fail to understand the excessive enthusiasm for license which makes some prefer that incitement to murder should continue and the guilty go unpunished and undeterred rather than everybody should have a chance of defeating the object of the law to provide work for the lawyers."

This is the complaint, Sir, that the amendments that have come from this quarter are due to the excessive zeal of the lawyers; and the Honourable the Home Member was pleased to remark yesterday that we on this side of the House are merely pleading as lawyers without responsibility for the welfare of the country. After all we are the chief residents of this country; our sons will live in this land; our grandsons will enjoy the benefits that are conferred by us. It is not the Englishmen who will live in this land. The Englishmen will go away some day, does not matter when, but they are not permanent residents of this land. Therefore the interests of this country are more sacred, more real and more genuine for Indians than for Englishmen. Therefore to put forward the plea that we on this side are not actuated by a genuine desire to protect the interests of this country is not true at all. We are not here to provide work for the lawyer or to plead as persons with briefs plead. But we are really here to discuss whether you are transgressing the fundamental principles of law or not. If you transgress the fundamental principles of law, my submission is that you must be prepared

to meet opposition from this quarter of the House. Then, further on, the Editor of the *Statesman* has a very good fling at those who have tabled motions of amendment. He says :

“ They emanate from quarters which cannot be suspected of sympathy with terrorism or with the dubious left wing of the Congress.”

The implication behind this is that because we sympathise with the terrorist movement, therefore we have tabled these amendments. Is that fair play ? Is that the sort of Press which is to be protected ?

“ We find the active opposition of some Muslims extremely difficult to understand.”

Here is a lesson for our Muslim friends. Here is an attempt made, the thin end of the wedge thrown in, to create discord among the two communities in this House. This has been the game of the *Statesman* all along, and it has not been given up yet. Proceeding, he says that the respectable press should not be afraid of this Bill. Let us calmly examine this plea. My submission is that in its working no Indian press will be safe, and I will illustrate my position by referring to that very paper which Mr. Arthur Moore in his speech the other day described as quite safe and that paper is the *Tribune*. There was an anniversary of the late Bhagat Singh to be celebrated at Lahore and a notice was issued. The *Tribune* published that notice after striking out the objectionable passages which the editor thought should not appear in print. But in spite of that, in spite of the fact that the paper did not contain anything beyond the news, the particular issue of the *Tribune* was confiscated under the Ordinance which is the predecessor of this Bill. My submission is that no paper can be safe if the language employed in the Bill is so vast that it can net in anybody and everybody. My Honourable friends on the other side have refused to agree even to the most reasonable amendments proposed by this side. “ Indirectly tending to incite or encourage ”,—this is the vast net thrown wide, and every possible article or criticism can be brought under the purview of this. In spite of this vast power given them under the law, they are not agreeable to place the matter in the hands of the court. My submission therefore is that it would be most dangerous to hand over the power to the executive. The same authority, the Lord Chief Justice of England, thus describes the mentality of the executive :

“ An agreeable writer, collecting from the pages of Boswell and elsewhere individual opinions expressed by Samuel Johnson, has compiled and composed a kind of Johnsonian creed or soliloquy, which sums up concisely the essence of his faith. If a similar method were applied to the ardent bureaucrat, the amateur of the new despotism, his reflections might perhaps be indicated in some such creed as this :

1. The business of the executive is to govern.
2. The only persons fit to govern are experts.
3. The experts in the art of government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ‘ think themselves worthy of great things, being worthy ’.
4. But the expert must deal with things as they are. The ‘ foursquare man ’ makes the best of the circumstances in which he finds himself.
5. Two main obstacles hamper the beneficent work of the expert. One is the Sovereignty of Parliament and the other is the Rule of Law.
6. A kind of fetish-worship, prevalent among an ignorant public, prevents the destruction of these obstacles. The expert, therefore, must make use of the first in order to frustrate the second.”

[Sardar Sant Singh.]

—this is a maxim which is particularly being followed in introducing this Bill—

- “ 7. To this end let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms are Parliamentary, defy the Law Courts.
8. This course will prove tolerably simple if he can : (a) get legislation passed in skeleton form ; (b) fill up the gaps with his own rules, orders, and regulations ; (c) make it difficult or impossible for Parliament to check the said rules, orders, and regulations ; (d) secure for them the force of statute ; (e) makes his own decision final ; (f) arrange that the fact of his decision shall be conclusive proof of its legality ; (g) take power to modify the provisions of statutes ; and (h) prevent and avoid any sort of appeal to a Court of Law.
9. If the expert can get rid of the Lord Chancellor, reduce the judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a business man to be called “ Minister of Justice ”, the coping-stone will be laid and the music will be the fuller.”

Is not the same mentality visible in the provisions of this Bill ? Therefore, Sir, my submission is that my learned friend, for whom I have the greatest respect, should reconsider his position. Then I will read this passage on page 102 of this book, “ The New Despotism ” :

“ But vital as the independence of judges has always been, there never was a time when it was more manifestly important than in these latter days, when the effect of so much that the Executive does or permits is to render it difficult for the Courts to maintain the rights of the individual. The method of attack, to be sure, is subtle enough. In Tudor and in Stuart times much was attempted in defiance of Parliament. The attempts ultimately failed, and failed signally. But despotism may be no less sinister, and perhaps even more mischievous, if it acts under the cloak of Parliamentary forms than when it seeks to act in direct opposition to Parliament. Let it be granted that there may be acute and well-intentioned persons who have persuaded themselves that the rights of individuals are perfectly safe in the hands of Government departments, and may properly and economically be left to be determined behind the back of one of the parties, by officials of the Executive, upon principles not to be explained. But that is not, or at any rate is not yet, the general view if the relevant facts are sufficiently well known. Meantime, however, judicial decision may often appear to be a stumbling-block in the way of the zealous official. The official course might be so much more smooth, and the official arm might be so much more powerful, if there were no troublesome Law Courts to stand between the Executive and the individual, the Crown and the taxpayer.”

Herein lies the reason, Sir, why the rule of law is more necessary in cases where the administration of infliction of penalty is to be more speedy. In the present clause you will find that the penalty imposed comes in certain cases to the extent of Rs. 3,000 and to the forfeiture of the press which may be a lakh of rupees or so in value. Again, Sir, in this case the opinion of the journalists who are directly concerned with the matter has expressed itself very strongly. They suspended publication for a day as a protest. Yesterday such news came from Bengal and to-day the news comes from Madras that Madras papers have closed their offices for a day as a protest against this measure. Therefore, my submission is, is it not high time that the executive should pause and reconsider their position ? What is this power which is being asked for the executive ? My Honourable friend in replying to yesterday's debate said that the onus is not thrown upon the aggrieved person. I have to differ from him in this reading of the Bill. The words, according to clause 25, as it stands are :

“ If it appears to the Special Bench on an application under sub-clause (1) of section 23 that the words, signs or visible representations contained in the newspaper,

book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order."

**The Honourable Sir C. P. Ramaswami Aiyar :** It may be useful for my learned friend to refer to clause 23, sub-clause (1), where it is stated "shall decide if the newspaper, book or other document in respect to which the order was made did or did not contain any words", and so on. Those were the expressions I referred to.

**Sardar Sant Singh :** I am very grateful to my Honourable friend for pointing out to me this provision, "did or did not contain any words".

These are the two words : so at the utmost, straining the language to the breaking point, I will say that what the Bill says is that the onus is thrown on both parties.

**The Honourable Sir C. P. Ramaswami Aiyar :** Quite so.

**Sardar Sant Singh :** Not on one party, but on both parties, while the principle of criminal jurisprudence is that the onus shall be upon the prosecution, upon the Crown, not upon the other party. That is why in my amendment I use the expression.....

**Mr. President :** May I know how long the Honourable Member is likely to go on ? As to-day is Friday, I wish to adjourn early ?

**Sardar Sant Singh :** I will take only five minutes more, Sir. That is why in my amendment I say "in respect of which the application is made did contain any words". I have omitted the words "did not". "Did" throws the onus entirely upon the prosecution, and this is the principle of law on which I insist. The object of this amendment is further illustrated by this fact that I do not want that a man shall be punished first and then should be asked to establish his innocence in a High Court by applying to the court. What I want is that the Local Government which is aggrieved that the Law has been violated should be called upon to move the High Court for the purpose of establishing that a certain press has offended. With these remarks I beg to move the amendment.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

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The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

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**Mr. President :** Further consideration of the amendment moved by Sardar Sant Singh.

**Rao Bahadur Chaudhury Lalchand (Nominated Non-Official) :** Sir, the object underlying the amendment proposed by my Honourable friend, Sardar Sant Singh, is a laudable one. He has taken very great pains in framing his amendments and has put his case very lucidly before this House. But he has forgotten one thing. Yesterday, while replying to one of his amendments, the Honourable the Law Member made it clear to him that speediness of action was the essence of this Bill, as this was an emergency measure, and unless speedy action was taken the Bill was of no use. Since then the House has given its verdict

[Rao Bahadur Chaudhury Lalchand.]

once for all on a previous amendment for referring things to judicial courts rather than to the executive. Therefore, after that verdict, it was not fair for the Honourable the Mover to press his case for judicialising the procedure, even from the initial stage under this Bill.

Much has been made again of the liberty of the Press. Liberty of the Press, as I said the other day, has its limitations, like limitations on our liberty in every other walk of life. As an example everybody has a right to walk on the public road, nobody can be prevented from doing so. But supposing, somebody takes it into his head to exercise his right of occupying the whole of the road. Supposing he takes a spear in his hand and goes on the road attacking everybody that comes in the way, can that be called a due exercise of his right to walk on the public road? Will not the executive be justified in catching hold of him at once and send him to the nearest lunatic asylum? They would not, in fact they cannot wait for the judicial courts; they could not afford to let him proceed on his march and injure people on the ground that they must consult the Criminal Procedure Code to find out whether his offence is a cognisable or non-cognisable one, whether a formal complaint should be filed or the police should take that man away. The executive alone can deal with this man at once and take the necessary action. The present measure is exactly on the same footing. It is an emergency measure, and as such it can only be handled by the executive. If you take away these powers from the executive, you do away with the Bill altogether.

Then, Sir, we need not press this judicial *versus* executive controversy too far. Supposing a house is on fire, and there are 50 other houses in the same line and there is a danger of the fire spreading to the other adjoining houses. What will the executive officer do in such circumstances? He will at once come forward and give orders to demolish one of the houses with a view to break the line in order to save the other houses. If you want this case to be dealt with by a judicial officer, he will come and frame issues first. Supposing he is sensible enough not to make any inquiry into the causes of the fire at this stage, the least he will do is to have an estimate of the house, that was going to be demolished, prepared, for, there might be a suit for damages lodged against the Government and the price may have to be determined. He will then ask for the services of an expert engineer. Well, the engineer prepares the estimate of the house that is proposed to be demolished,—mind you all the while the fire is raging in all its intensity,—then they will say that the owner of the house that is to be demolished should be consulted, and the owner must naturally be given some time to object to the estimate prepared by the engineer. Well, suppose the owner is near by, he comes forward and gives his consent, but at the end of his statement he says that last year he had mortgaged the house for Rs. 15,000 to a man residing in Calcutta. In such circumstances, what is the judicial officer to do? Well, these are the difficulties in a judicial procedure. I do not mean any disrespect to the judicial procedure. (Mr. B. Das: "You are only libelling it.") It is dilatory and can never take the place of executive decisions. The functions of the two are different. Sir, I am only trying to point out that this is a case in which the executive alone could take prompt action. The amendments

of my Honourable friend are quite good, but they are good for a *pucca* Press Bill which probably will have to be brought forward when the new Swaraj Government comes. For, I cannot believe that any Government could sit with folded hands when such pernicious propaganda is going on in the press. With these few words, I oppose the amendment.

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, I realise that time is precious, and that it is the duty of every one on all sides of the House to be as brief as possible, and therefore, although I should have normally succumbed to the temptation of dealing with the many points so comprehensively dealt with by my Honourable friend opposite who moved this amendment, I propose to restrict myself only to two or three aspects. In the first place, let me at once dispose of what may be termed the personal argument. A very impassioned appeal was made to me, and it was suggested that there was something inappropriate or indecorous in my getting up and opposing amendments such as these, and something was said with reference to my career, and also very kindly, to my alleged qualities of head and heart. All that I can say is that I feel absolutely sure that my friend and his confreres, when they occupy these Benches, as I hope and trust they shortly will, will pursue exactly the same line as I am pursuing having regard to the immediate history of this particular act of legislation. For, let it be remembered, Mr. President, that two things were made abundantly clear at the outset of these discussions, firstly this was regarded, as my friend just now stated, as an emergency legislation, which is temporary in character, and it was therefore found necessary to arm the executive with certain initiatory or inauguratory powers. But care was taken at the same time to see that those powers when they entrenched or were likely to trespass upon the domain of private rights, should be subject to a careful scrutiny and an exhaustive investigation by the courts of law. It appeared to me, listening to the appeals and the arguments of my Honourable and learned friend, that he had omitted to realise the existence of clause 23 altogether, that he had omitted to see that there was a recourse to the High Court, and the procedure of the High Court is also indicated in the Bill. What is contemplated by this provision and clause 23 taken together is that the first step is to be taken by the executive, but that the rightness or wrongness of that step should be tested and exhaustively tested in the High Court.....

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Exhaustively ?

**The Honourable Sir C. P. Ramaswami Aiyar :** I adhere to the expression exhaustively because—thanks to the labours of my Honourable and learned friend opposite—certain objections which were raised to clause 23 and which were very forcibly formulated in the course of the earlier discussions have been surmounted, and that is why I again reiterate and use the word exhaustively. Then a great deal was said with regard to the new despotism which it was asserted was being copied from England and enacted in the shape of this Bill, and copious extracts were forthcoming from Lord Hewart's book on "The New Despotism". As passage after passage was read, there flashed across my mind another passage which I remembered to have read from the same book some time ago, and so I took the liberty of asking my Honourable friend to lend me his book. Let me read that passage, and from that you will find exactly what

[Sir C. P. Ramaswami Aiyar.]

the evil was which was inveighed against by Lord Hewart. What he says is this :

“ A little inquiry will serve to show that there is now (in England) and for some time past has been a persistent influence at work which, whatever the motives or intentions that support it, may be, has the effect of placing a large and increasing field of departmental authority beyond the reach of the ordinary law.”

**Sir Hari Singh Gour :** May I ask the Honourable the Law Member whether that is not what the Lord Chief Justice condemns and whether it was not in consequence of statements of that kind that a Committee was appointed for the purpose of going into the question as to how far the executive had encroached upon the rights of the Legislature ?

**The Honourable Sir C. P. Ramaswami Aiyar :** I am deeply obliged to my Honourable and learned friend for recalling to this House all those incidents as I was going to make remarks very similar to those which have emanated from my Honourable and learned friend. What I was anxious to point out and reinforce was this that in England it was found that gradually departmental authority, or what may be called the reign of bureaucracy, was tending to encroach on the domain of law and keep itself above law, above the ordinary activities of the ordinary courts of justice, and therefore, Lord Hewart gave a great lead in that book “The New Despotism”. But mark what follows. In that passage which I have read out, what he strongly protests against is departmental action which is placed beyond the reach of ordinary law. I state that so far as this measure is concerned, executive action or authority or exercise of authority is not placed beyond the reach of ordinary law but is subject to the scrutiny and investigation and decision of the ordinary courts of law. Now, it is an interesting commentary upon that Committee to which reference has been made by my Honourable and learned friend—that Committee which was designed to find out the encroachments of the executive upon judicial authority—that to-day England is living in a reign of Orders in Council following upon an Act of Parliament consisting of one section (Laughter), but that is perhaps neither here nor there. The only thing that I wish to say is this, that even in England, that home of liberty, whose institutions we are endeavouring to copy, and I hope will successfully copy, we have these Orders in Council or executive dictates and one comprehensive section to cope with an emergency, and in order to meet that emergency such powers have been taken by the executive with the unanimous consent of the three great organised parties of the State.

Mr. President, what I desire to add is this, that the Honourable gentleman, Sardar Sant Singh, is perfectly consistent and perfectly logical. What he desires to do is to get rid of the executive action *ab initio*, get rid also of what may be called the limited scope of the authority of the High Court, institute a procedure closely assimilated to criminal trials from beginning to end and give to the High Court all the powers which it would normally and ordinarily have in a criminal trial. That is his object and intention, and I realise that I have interpreted his intention correctly because I see his approval manifested. That being so, the difference between this side and the other side, or that portion of the other side which is really represented by my Honourable friend is this. Are you going to have speedy executive action

subject to judicial cognisance afterwards, or judicial action *ab initio* ? That is the only matter, that is the narrow issue before the House. I have attempted elsewhere and on earlier occasions to point out what the object of this Bill was and why it was considered essential to have judicial cognisance with those safeguards superadded to preliminary executive action.

**Mr. S. C. Mitra :** I have heard with great attention what the Honourable the Law Member has said. He thinks that executive orders should be substituted for judicial proceedings. I know as a lawyer he is bound to espouse any cause with which he is entrusted, and I am quite sure that he would have made quite a different speech had he been to-day sitting on this side of the House.

It is difficult to fight this mighty Government on the part of poor press owners and publishers once the executive orders are passed, and I crave your permission to read a certain passage to show how the executive mind works. They have taken trouble to publish this big volume, from which I will show what passages they consider will come within the purview of the Bill that is before the House. Mr. Arthur Moore, the Leader of the European Group, quoted extensively from that book, and I hope you will excuse me also if I read some passages from the same. I know the remarks are strong, but I invite the House to tell me how they incite or tend to incite to murder or acts of violence. You will see for yourself that the remarks are very strong against the Anglo-Indian community and the Anglo-Indian Press at whose instance the Honourable the Home Member has thought fit to bring in this measure. (*Mr. E. Studd :* " Question.") I read from page 54 :

" *Liberty* (Calcutta) of the 2nd August, 1931, writes :

' It is regrettable that Anglo-India, almost the whole body of it, has started a dishonest, a cunning, a spurious agitation over recent violent outrages. It is neither surprising nor disconcerting that Anglo-Indian exploiters of India should have mainly sought to make political capital out of tragedies which ought to move our humanity deeply and give to statesmanship food for serious reflection. For panic and foolishness we should make ample allowance but for perversity and mischief there is none so poor in spirit as to offer pity. It is not for us to allay a storm deliberately raised for political exploitation. It is not for us to show up shameless pretenders and obstinate hypocrites. An earlier generation set up a howl against a conciliatory Viceroy and packed him off. The plan is more comprehensive to-day. Anglo-India is out to wreck the prospects of peace in India and to deceive her out of the goal of freedom. It has asked the Government ' to govern or go out '—(that is what the *Statesman* says)—if the existing Government cannot discharge its functions—at the dictation of Anglo-India—they must prepare means for finding another ' !

Lashed into fury by outbreaks of violence and lawlessness, these bullies would take the law into their own hands ' to drive out terrorism by terror '. They threaten ' the gravest events ' if the Congress which is ' guilty of murder ' which has ' fresh blood upon its hands ' is admitted into the Round Table Conference. A Conservative backbencher, one Bracken, in spiritual affinity with the Anglo-Indian pack, has blamed Mahatma Gandhi for assassinations and said that ' the Government of India should have tried him for incitement instead of inviting him to St James Palace '."

I shall make no apology for reading another passage to show to the House that that it is not against incitement to murder or acts of violence that this Bill is intended. From the selections that have been made in this volume you will see that those newspapers are against murder. I have carefully read through every selection, and they condemn violence, not to speak of murder, but wherever they criticised the Anglo-Indian press, it was taken as though they criticised the Government of India. You



[Mr. S. C. Mitra.]

will therefore excuse me if I read some more passages to show that this Bill is intended not against any incitement to murder or acts of violence, but only to crush the press the Honourable the Home Member intends this Bill. Let me read from page 53 of these Selections :

" A meeting of the European masters of this country was lately held at the Dalhousie Institute. All the people of this country are now regretting the unjust murder of Mr. Garlick. All thoughtful men in the land believe that these acts of lawlessness put serious obstacles to the progress of the nation. But one's mind is embittered by the bitterness of feeling displayed in resolutions adopted by the European Association. Nobody holds the entire European community responsible for the agony inflicted on the oppressed coolies by tea garden managers. No revolt was proclaimed against the whole English race because of the fiendish Jallianwala Bagh massacre by Dyer. For the daily persecution of the black by the white only individual justice has been demanded and the people of the country have never been mad enough to start an attack on all whites in consequence. The need of an explanation from the Viceroy or the Premier has never been felt for the lives of the people of the country taken by police shots, with or without reason in this country."

I wish I could read other passages because this House has been prejudiced by reading extensively by Mr. Moore, passages from unknown papers, but these are the more responsible papers, which I quoted. This book is in the hands of all Honourable Members and they will find that incitement to murder and acts of violence have all along been condemned by the Indian Press. Now, the cat is out of the bag. The Honourable the Home Member wants to crush fair criticism and the liberty of the Indian Press, so that there may be no spirit of nationalism kept alive. My friend, Sardar Sant Singh's amendment is only for the substitution of judicial proceedings instead of executive orders. Why should Government be anxious to pass this Bill without changing a comma or a semi colon. The Home Member is determined to have his pound of flesh. Yet the country knows how unreasonably the provisions of section 124-A. have been interpreted so that everything can be brought under it. Why should you be afraid of a judicial proceeding in a court of law ? The Honourable the Law Member says that judicial proceedings will come later on. In clause 3 you will find the word " may " instead of " shall ", so it is permissive. You don't find any provision that reasons should be given for demanding security. In those circumstances what will the High Court do ? If there are no reasons stated on the demand for security, the High Court is helpless. As has been shown in the *Comrade* case, even the judicial procedure that is being talked of so loudly is really a farce. It will give no protection. As I have shown, Sir, the passages I have read out to you are really strong criticisms but were never intended to incite murders or violence. Sir, I support the motion of my Honourable friend, Sardar Sant Singh.

**Mr. B. N. Misra :** (Orissa Division : Non-Muhammadan) : I would not have opened my mouth, but as we are proceeding I feel that the Government are bent upon suppressing and oppressing the Indian Press. If their only object is that incitement to murder must be stopped, we are all agreed to stop this incitement. If that was the only object, you do not want to a three day's discussion of this Bill. Now, Sir, I ask, why do you find so many people against the Treasury Bench ? We in these benches have cried ourselves hoarse and why should the time of the House be wasted like this ? Really we feel that the Honourable the Home Member wants to institute a system of slavery. I think that most

of the Members of this House have experience of our Magistracy. I have practised in the courts for a quarter of a century, at least 27 or 28 years. I shall quote a specimen of a Magistrate in order to make my point clear. In the early part of 1904 or 1905, I appeared before a Magistrate of ten years standing. When I appeared in the first case, he had to acquit my clients and he then admired me. He said, "During my ten year's magistracy I have never acquitted a man, especially if it was a police case". Even in private cases when there was a medical certificate held by the complainant, he always convicted the accused. In my case the complainant had a medical certificate and he had to acquit the accused. That is the mentality of Magistrates. They take their orders from the superior officers like the District Magistrate or Police Superintendent. They are told they ought to have an elastic conscience. The District Magistrate's advice to him was that his conscience must permit of everything. He must carry out the orders of the District Magistrate. Even now a days the something is happening. If our Magistrates were really administering justice, there would not be any grievance at all. The Subordinate Magistrate simply has to obey the orders of the District Magistrate, which proceeds from the Commissioner of the Division or the Local Government or the India Government. That is the kind of mentality of our Magistrates. I do not know whether the Honourable the Home Member has practised in the law courts but he must have been a Magistrate in his younger days. All our fears are due to the mentality of our Magistrates. The law is not administered except according to the whim of the superior officers. I should say our Magistracy are not human beings. They are slaves who have to carry out the orders dinned into their ears by the Police Superintendent or the Magistrate of the district. That is the mode of the administration of justice by the Magistracy.

Now, Sir, I come to the motion of my friend, Sardar Sant Singh. Sir, my friend is asking that the Local Government should apply to the High Court. Now, where is the objection to that? If the Government are afraid because the High Court will be independent and will administer impartial justice to people and, that is perhaps the only ground on which they can oppose giving them this power because they will be in difficulty. But illustrations like, "Oh, the house is burning", "The British Empire is dwindling" are more dreadful illustrations. But as a matter of fact I do not think, none of us believes, that the house is really burning, or that the British Empire is crumbling, and so forth. Sir, the house is not burning, and the British Government will continue for long. So that this kind of alarmist argument is unreasonable and simply sophistry. Sir, we have amongst ourselves what are called *Astikas* and what are called *Nastikas*, believers and unbelievers in God. The latter class do not believe in God in spite of all his manifestations on earth. They do not see the real state of things. Now, please consider, why there are so many people who differ from the Government Bench? If they think, Sir, that we are so many mad people, and they think that they are the only sane and wise people, then why not send us to the lunatic asylum (Laughter)? If, however, they think we have some sense, some reason, then I tell them that, after reconsideration, after thinking over our objections, they should not persist in the error of their ways. Their action, instead of suppressing murders or putting a stop to incitement to murder, will recoil on them tenfold, and there will be ten times as many

[Mr. B. N. Misra.]

murders as are committed in the country to-day. (Hear, hear.) (Laughter from the Official Benches.) Sir, this is not the way! What is the real way? Sir, there was a time when the Europeans, were welcomed almost as Gods. I remember my old father saying half a century ago that he had implicit faith in these white people and that he had no faith in the dark people of this country, but, Sir, he had reasons for that, because that was the real state of things in those times,—I may tell you, that the Pandas of Jagannath welcomed even the Europeans and offered them free into the temple. But now, Sir, their crookedness and their avarice have soared very very high, and their behaviour.....

**Mr. President :** The Honourable Member must address the Chair.

**Mr. B. N. Misra :** Why do they put themselves in the position (An Honourable Member : “Look towards the Chair”) of enemies? Do they think it is a human thing to commit murders, is it natural that human beings should commit murders? I think you have experience and you know. (Laughter.) If a child cries, any one picks up the child out of sheer human sympathy? Sir, unless one's mind is abnormal or deranged, one never commits these murders. Then why do these people commit murders? I say, for their sins, for their actions : and they must think over their past *karma*, and their past actions.

**Mr. President :** The Honourable Member must address the Chair.

**Mr. B. N. Misra :** I am addressing the Treasury Benches through you, Sir. The Government officials must realize what their duty is ; they must recall their own past actions and their own past deeds. Sir, somehow or other it is always beneficial to calculate our own actions, and to review our own sins and actions : I say those Government officials—who fall victims to these attacks. It must be due to their unreasonable and passionate actions and behaviour. They must think of it and should take a lesson from the consequences of their actions. The position, then, is that the present amendment proposes that the Local Government should apply to the High Court. That is an obviously reasonable motion which I think the whole House ought to carry.

**Mr. Ram Prashad Narayan Sahi** (Bihar and Orissa : Nominated Official) : On a point of information, Sir, may I ask the Honourable Member whether in the instance he previously gave us of the purport of his conversation with a Magistrate, the Magistrate was in his senses when he told him what he has told us?

**Mr. B. N. Misra :** I personally was told. I believe in their sober moods. (Laughter.)

**Mr. President :** The question is :

“That in sub-clause (1) of clause 4 for all the words beginning with the words ‘the Local Government may, by notice in writing’ and ending with the words ‘wherever found in British India to be forfeited to His Majesty’ the following be substituted :

‘the Local Government may apply to the High Court for the local area in which such press is situate stating or describing the words or signs or visible representations which in its opinion are of the nature described above. The High Court shall decide in the manner hereinafter provided if the newspaper, book or other document in respect of which the application is made did contain any words, signs or visible representations of the nature described above’.”

The motion was negatived.

**Sardar Sant Singh :** Sir, I beg to move the following amendment which stands in my name :

“ That in sub-clause (1) of clause 4 for all the words beginning with the words ‘ the Local Government may, by notice in writing ’ and ending with the words ‘ wherever found in British India to be forfeited to His Majesty ’ the following be substituted :

‘ the Local Government may authorize any person to file a complaint before the magistrate having jurisdiction in the place where the press is situate stating or describing the words, signs or visible representations which in its opinion are of the nature described above to proceed against the keeper of such a press. The magistrate thereupon shall proceed to try the accused in the manner provided in the Trial of Summons Cases in the Criminal Procedure Code Act V of 1908 ’.”

Sir, I am not going to make a speech in support of this amendment except to speak a few words. I know the Treasury Benches are not prepared under any circumstances to give power to the judicial authority to determine the question of guilt or innocence of the person proceeded against. The only justification which has been put forward is that it is an emergency measure and as such speedy action is required ; and secondly they say that I have omitted to take into consideration the provisions of clause 23 providing for the examination and scrutiny of the acts of the Local Government by the High Court. To these two points my reply is this.

**Mr. President :** Order, order. I should like to invite the attention of Honourable Members to the manner in which the discussion is proceeding. It is a well recognised practice that when an alternative amendment is moved the old ground is not allowed to be covered because that is repetition. The Honourable Member has made a certain change in the second amendment which he is now moving, and he will be allowed to address the House to the extent of the new matter which is introduced in the alternative amendment. The Honourable Member in his first amendment wanted that the Local Government should be authorised to apply to the High Court. In the alternative amendment he says that the Local Government may authorise any person to file a complaint before a Magistrate. This is the only new matter he introduces ; he will be required to restrict himself to such new matter only.

**Sardar Sant Singh :** I bow to the ruling of the Chair and I accept the suggestion. Therefore, I do not intend to make a speech as my suggestion is in the amendment itself. Sir, I beg to move.

**The Honourable Sir C. P. Ramaswami Aiyar :** Sir, I do not propose to say more on this point than that the amendment suffers from the same infirmities to which I have already drawn attention in the earlier parts of the discussion.

**Mr. President :** The question is :

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The motion was negatived.

**Sardar Sant Singh :** Sir, I beg to move the next amendment :

“ That in sub-clause (1) of clause 4 for all the words beginning with the words ‘ the Local Government may, by notice in writing ’ and ending with the words ‘ wherever found in British India to be forfeited to His Majesty ’ the following be substituted :

‘ the Magistrate having jurisdiction in the place may by notice in writing to the keeper of such printing press shall call upon him, stating or describing the words, signs or visible representations which in his opinion are of the nature described above to show cause why in cases where security has been deposited such security or any portion thereof should not be declared to be forfeited to His Majesty or where no security has been deposited why his declaration under section 4 of the Press and Registration of Books Act, 1867, should not be annulled ’.”

I beg to move.

**The Honourable Sir James Crerar** (Home Member) : Sir, for the reasons explained already by my Honourable colleague, I cannot accept this amendment.

**Mr. President :** The question is :

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The motion was negatived.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I beg to move :

“ That part (ii) of sub-clause (1) of clause 4 be omitted.”

This clause is an innovation of the Select Committee, to whom the last Bill was sent for consideration. This was not in the original Press Act of 1910 which was passed at a time of very great emergency and when the anarchist movement was at its height. The Legislature at that time did not think fit to put in a clause like that. Then after the lapse of some twenty years, the Press Act was introduced in the shape of an Ordinance by His Excellency the Viceroy. In that also this clause was not put in. That Ordinance was the most recent experience of the administration of this law in this country, but I do not think that up to now any complaint was made either by the Local Governments or by the Government of India about the absence of this clause. In the Bill which was again introduced in the Delhi Session, this clause was not also put in. That shows conclusively that the Government did not feel embarrassed by the absence of this clause. If so, why should this clause be added now ? No reason has been given why this clause should be added. In the report of the Select Committee we find this passage only :

“ The latter portion of sub-clause (1), therefore, provides for the case where security has been deposited, and also for the case where security has not been deposited. In the latter case, as there is no other means of making the order effective, we have provided that the press itself may be forfeited. An application to the High Court will lie against this forfeiture.”

Now, Sir, what was the state of things when the old Press Act was in existence or, when the Ordinance was in existence? Did they feel any embarrassment because there was no such clause? They say here, "There is no other effective means of making the order effective". Why? The effect of this is that the keeper of the press would be debarred from carrying on his own business. To understand this let us see what was the preventive which they had and what is the preventive which they want now? The same thing. Nothing more than that the keeper of the press would be prevented from carrying on his business. Moreover, there is another objection to this. If I pay the security, then I shall be entitled to invoke the aid of clause 13 of the Bill which says :

"Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person."

Now, there is that remedy. If I pay the security, I can come under this provision, that I do not want to keep the press. I want my license to be cancelled and therefore the Magistrate would return the security to me. In the other case if I fail to pay the security because it may be abnormal, beyond my power and I do not wish to carry on business, I cannot go before the Magistrate and my only remedy lies by an appeal to the High Court. Under these circumstances, I submit that this clause should be deleted.

**Mr. S. C. Mitra :** I cannot understand why, instead of for a fixed amount, the Government is for the forfeiture of the entire press. In fact a big press may cost a lakh of rupees or more and in that case it means a fine of a lakh of rupees, while for a small press which costs only Rs. 200, it means a fine of only Rs. 200, though the offence and its gravity may be the same in both the cases. I do not see why there should not be a fixed sum as contemplated in other clauses of the Bill. This means unequal punishment on different persons committing the same offence. I think that Government will even now consider whether they should not fix the amount and exclude the provision for the forfeiture of the press. I, therefore, support the amendment.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhamadan Rural) : Sir, we have watched with amazing interest how the Honourable the Home Member, sometimes backed by his worthy colleague, the Honourable the Law Member, has been unrelenting in regard to all the previous amendments that have been moved by us. But still I make bold to stand up to support this amendment and I do it not in the manner of a drowning man catching at a straw, but fully conscious of the fact that this is the most cruel and severest part of the Bill. Sir, I implore the Honourable the Home Member to give his best attention to this part of the Bill and I hope he will not object to this clause being deleted. I want to put one question to the Honourable the Home Member point-blank. Should we go on moving our amendments simply to be told by him that he has already given his best attention to these amendments in the Select Committee and he is not prepared to give further consideration to these amendments? Sir, I doubt very much if the Honourable the Home Member or any other Honourable Member is in order when he refers to a Bill which

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Act of 1910 which was passed at a time of very great emergency and when the anarchist movement was at its height. The Legislature at that time did not think fit to put in a clause like that. Then after the lapse of some twenty years, the Press Act was introduced in the shape of an Ordinance by His Excellency the Viceroy. In that also this clause was not put in. That Ordinance was the most recent experience of the administration of this law in this country, but I do not think that up to now any complaint was made either by the Local Governments or by the Government of India about the absence of this clause. In the Bill which was again introduced in the Delhi Session, this clause was not also put in. That shows conclusively that the Government did not feel embarrassed by the absence of this clause. If so, why should this clause be added now ? No reason has been given why this clause should be added. In the report of the Select Committee we find this passage only :

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**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : Sir, we have watched with amazing interest how the Honourable the Home Member, sometimes backed by his worthy colleague, the Honourable the Law Member, has been unrelenting in regard to all the previous amendments that have been moved by us. But still I make bold to stand up to support this amendment and I do it not in the manner of a drowning man catching at a straw, but fully conscious of the fact that this is the most cruel and severest part of the Bill. Sir, I implore the Honourable the Home Member to give his best attention to this part of the Bill and I hope he will not object to this clause being deleted. I want to put one question to the Honourable the Home Member point-blank. Should we go on moving our amendments simply to be told by him that he has already given his best attention to these amendments in the Select Committee and he is not prepared to give further consideration to these amendments? Sir, I doubt very much if the Honourable the Home Member or any other Honourable Member is in order when he refers to a Bill which



[Pandit Satyendra Nath Sen.]

is not before the House and the details of which we are not supposed to know, and I refuse to admit that a comparison with the original Bill is the criterion of propriety. Sir, I hope the Honourable the Home Member will yet see his way to accede to our request at least in this case.

**The Honourable Sir James Crerar :** I propose to reply immediately to the question which was put to me by the Honourable Member opposite, but to restrict myself entirely to the amendment which is before the House. I had occasion once before to point out to Honourable Members that on every amendment on which I have hitherto spoken in the course of the debate I have been able to show that, in the course of discussion, important changes had been made by Government in response to criticism which was being passed. We were able to do so even in the present case. If Honourable Members—and in this context I wish to refer to another clause of the Bill—if Honourable Members will refer to clause 5, which will come under consideration, they will see that a very important change is being made. The original clause 6 of the Bill provided that in certain circumstances both the security and the offending press should be forfeited. Now this is a very important change. The present clause which is now under discussion makes provision for two circumstances. If security has been deposited then that security is liable to forfeiture and in respect of that forfeiture an application can be made to the High Court. If security has not been deposited, then this clause enables the press itself to be forfeited and against that forfeiture too, an application lies to the High Court. But it is perfectly obvious that if the keeper of a press contumaciously refuses to obey an order of deposit, the deposit cannot be forfeited and therefore to give effect to the order, the press should be forfeited. This clause provides for it ; the keeper of a press who desires to preserve his press from forfeiture can always do so by complying with the order to deposit security. If that security is forfeited, he has got his remedy before the High Court. I submit that not only does this clause comprise a perfectly reasonable provision, but it is a provision the omission of which would clearly be vital to the whole purpose of the Bill so far as presses are concerned.

**Pandit Satyendra Nath Sen :** I want to know one thing ; will the press owner be allowed to make his deposit when the order of forfeiture has already been passed ?

**The Honourable Sir James Crerar :** He has every opportunity of making his deposit when the order to deposit security has been made and he is given a reasonable interval to do it.

**Mr. President :** The question is :

“ That part (ii) of sub-clause (1) of clause 4 be omitted.”

The motion was negatived.

**Mr. S. C. Sen :** Sir, I beg to move the next amendment which stands in my name, namely :

“ That in the *Explanation* to sub-clause (1) of clause 4 the words ‘ unless it has the tendency described in clause (a) ’ be omitted.”

I move this because I have not understood the *Explanation* itself. It is suggested in the Report of the Select Committee that they have added this explanation as a safeguard for *bona fide* literary and historical writings. I do not see where the safeguard comes in. It says, “ Unless it has the

tendency described in clause (a)”. I do not understand what is the object of putting in these words, if you want books of this character to be published. The tendency described in clause (a) is, “incite to or encourage”—I do not comment on that—“or tend to incite to or encourage the commission of any offence of murder or any cognizable offence involving violence”. That is the tendency referred to in this clause. Now tendency has a much wider meaning than mere encouragement or incitement. Therefore, if under clause (a) incitement or encouragement have not been put in but only the words “tend to incite or encourage” a person reading such things, that would be sufficient and that would cover everything wanted by the clause (a). By adding these words “unless”, etc., you have taken away with one hand what you have given with the other. Under these circumstances I think it does not give any safeguard to the publisher of a book or historical writing, and I do submit these last words should be deleted if the Government are earnest and sincere in their desire to create a safeguard for the publishers of these books. Even the Gita would come under the definition; even a history about Shivaji would come under this. It would be impossible for any person writing a historical book to write it in such a way as will not, although he may not intend to do it, come within the purview of this clause.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I had no intention of speaking to-day, especially as I have not been well since yesterday; but I get up only to give a bit of advice to Members on this side of the House. It is no use. My advice to them is not to get up and move any more amendments. We have seen since yesterday what is happening. Government are passing this Bill in any way they like; they do not want to agree to any amendment that we have given notice of; we gave in 116 amendments, but I do not think that even one amendment will be accepted or passed. We realise on this side how few we are now and on the other side how many there are. But I thought I might say a word or two in order to tell the Government how all these arrangements are at their complete mercy and how they may be exercising their sense in agreeing to certain amendments which are very necessary. You are not asking for the amendment with regard to clause 3. With regard to this clause you are giving with one hand and taking away with the other. Read the Explanation for yourself; the Explanation says :

“No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).”

Up to the words “unless it has the tendency” it is all right. You are providing this Explanation in order to see that no approval or admiration is made punishable, but then you take it away with the other hand by saying “unless it has the tendency”. That means that it will be twisted in every case to mean that the admiration or approval has the tendency described in clause (a). I would therefore submit these few words as I am going away to-day and I think many other Members are also leaving to-day.

**Mr. Gaya Prasad Singh** : Sir, I do not want to make a speech, but I would seriously ask the Government to realise the reasonableness of this amendment, because in the speech which my Honourable friend the Law Member just made he was anxious to protect literary and historical

[Mr. Gaya Prasad Singh.]

writings. Now the retention of this expression "unless it has the tendency described in clause (a)" will effectively do away with the protection which the Government seek to afford. I will quote an instance. Suppose a print of the Gita is made by a printing press, and as my Honourable friend the Law Member himself has said, in the Gita or elsewhere in some historical or literary books, murder has been extolled under certain circumstances. If that particular book is printed from a particular press, and if it is followed by a murder elsewhere of some person, Indian or European, will it not, under these words, be quite open to the District Magistrate to say that this particular murder has been committed as a result of the publication of this book by the printing press? I want to be satisfied only on that, because as it stands it is liable to be misused and misapplied by some of the Magistrates. I hope under the circumstances the Government will see the reasonableness of this amendment and will agree to delete these words. They must seriously think over the matter. We know we are fighting a losing game; we have only to count up our losses, for gains we have had none; but I feel strongly on this point, and in order to protect documents of historical or literary value, I only make this appeal to the Government to think carefully before negating this motion.

**Mr. Amar Nath Dutt :** Sir, I wish to say a few words to the Honourable the Law Member to whom, I am sure, the Gita is as much sacred as to any Hindu on this side. Probably being far away in the South, he does not know the woeful tales in Bengal when there was a recrudescence of anarchy in my unhappy province, that there were repressive measures and indiscriminate searches made in the houses of several respectable gentlemen in my province, and the main target in those days of these myrmidons of the bureaucracy was this very sacred book the Gita. Wherever the Gita was found, it was snatched away. Probably, my friend the Law Member could not hear all about our sufferings and the oppression and the tyranny that was perpetrated upon the people of Bengal in those days.....

**The Honourable Sir C. P. Ramaswami Aiyar :** I was Secretary of the Calcutta Congress of 1917.

**Mr. Amar Nath Dutt :** Then I think he should know more of the tyrannical misdeeds of the Government of those days in Bengal, and if he can convince us that the Government of the present day have improved their methods and they have really become a little more moral, and a little more respectful of truth and less vindictive than they were in those days, we shall not have much quarrel with him. But, Sir, I think during the short tenure of his office as Law Member, my friend must have seen how this Government are constituted, of what material they are made. If the material that constitutes the Government which makes these laws is of this type, one can imagine what their subordinates in the provinces are likely to be. If these people here show some sympathy, their subordinates when they get back to their provinces undo what is done here, people are afraid of them more than Yama the god of death. No doubt, some of them have some sympathy for us. In any case, I must frankly say, Sir, that Honourable Members opposite have not shown any wisdom whatsoever in the passage of this Bill. I submit considering the history of the bureaucracy for the past in this land, considering how they have acted, I think my friend the Honourable the Law Member should advise his temporary colleagues..... (*An Honourable Member :* "Permanent colleagues.")—I wish they were

his permanent colleagues, but that permanency cannot last, because the Honourable Sir James Crerar might be appointed as Lieutenant-Governor of Bihar and Orissa, and Sir George Rainy as Governor of some other province.....

**Mr. President :** The Honourable Member should confine himself to the amendment before the House.

**An Honourable Member :** There is no Lieutenant-Governor for Bihar and Orissa. There is a Governor for that province now.

**Mr. Amar Nath Dutt :** Oh, I meant Governor, and not Lieutenant-Governor. What I was submitting was this, that the present Government are very ill-advised in launching a measure of this character. Really I wonder how, under the Law Membership of the present brilliant luminary of the Madras Bar, such an unhappy specimen of legislative draftsmanship as this could come before this House. I was really surprised, but I saw the Roman hand of some one else behind him, and probably he too was powerless to amend and alter the Bill as it ought to be. I hope, Sir, the Honourable the Law Member will see his way to persuade the Government to accept some of the amendments at least that have been moved, that he will be able to persuade the Honourable Member to accept some of them at least. With these words, I support the amendment.

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, I do not propose to follow the biographical excursions of my learned and respected friend, nor do I propose to deal more than is necessary with the subject matter of this particular amendment. The first remark that I wish to make is to invite the attention of Honourable Members to the minute of dissent penned by stalwart lovers of the freedom of the Press. It will be noticed that with reference to this particular clause, the Report of the Select Committee says this : " We have also added an Explanation which safeguards *bona fide* literary and historical writings ". That is the Report of the Select Committee. The dissenting minute, succinct and admirably terse as it is but comprehensive with regard to the points on which it concentrated itself, is significantly silent on this matter, and therefore I am entitled to assume that the Leader of the Opposition and those who were associated with him in writing this minute did not think that this particular clause was obnoxious to all those charges which are levelled against it. I will leave the matter at that. But let me analyse the clause. It will be noticed that the main criticism of the Honourable Member who spoke first was with reference to the expression tendency in clause (a). " Tendency " there has reference obviously to the expression " tend to incite to or encourage ". It is that expression which must be correlated with " tendency ". Now, what does the Explanation say ?

" No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a). "

Surely, it cannot be said that a historical or literary work merely because it is historical or literary cannot have that tendency. What is sought to be done is to meet those words alone which have a tendency. As for the Gita, I have again to repeat what has already been stated that if Honourable Members will scrutinise (a) and (b), they will find there is absolutely no danger of any real classical book of that kind being used for the purpose which my friend fears. I do not wish to repeat what I have already said, but I submit that the fact that the dissenting minute does not refer to it shows that Honourable Members on the other side are as perfectly safe in their minds with regard to this matter as we are.

**Mr. President:** The question is :

"That in the *Explanation* to sub-clause (1) of clause 4 the words 'unless it has the tendency described in clause (a)' be omitted."

The motion was negatived.

**Sardar Sant Singh:** Sir, I am not moving this amendment.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural) : Sir, I do not want to move this amendment as I want to withdraw it in favour of No. 51.

**Sardar Sant Singh:** Sir, as amendment No. 45 has been defeated, and this amendment No. 51 depends entirely upon the previous ones, I do not think there is any use in moving this amendment.

**Mr. President:** The question is :

"That clause 4 stand part of the Bill."

The Assembly divided :

AYES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Anwar-ul-Azim, Mr. Muhammad.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Crerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dyer, Mr. J. F.

Fazal Haq Piracha, Shaikh.  
Fox, Mr. H. B.  
French, Mr. J. C.  
Graham, Sir Lancelot.  
Heathcote, Mr. L. V.  
Hezlett, Mr. J.  
Howell, Mr. E. B.  
Ibrahim Ali Khan, Lt. Nawab Muhammad.  
Ishwarsingji, Nawab Naharsingji.  
Jawahar Singh, Sardar Bahadur Sardar.  
Knight, Mr. H. F.

"That in the *Explanation* to sub-clause (1) of clause 4 for the words 'unless it has the tendency described in clause (a)' the words 'unless it amounts to incitement described in clause (a) or (b)' be substituted."

"That sub-clause (2) of clause 4 be omitted."

"That for sub-clause (2) of clause 4 the following be substituted :

"(2) If the High Court finds the keeper of the press guilty in the manner hereinafter provided, the High Court shall declare such security or any portion thereof to be forfeited to His Majesty. The declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, thereupon shall be deemed to be annulled."

(If this amendment fails.)

For sub-clause (2) of clause 4 the following be substituted :

"(2) If the Magistrate finds the accused guilty he shall where the security has been deposited declare such security or any portion thereof to be forfeited to His Majesty and where no security has been deposited the accused may be punished with a fine which may extend to one thousand rupees. On conviction the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled."

(If this amendment also fails.)

For sub-clause (2) of clause 4 the following be substituted :

"(2) After the expiry of ten days from the date of the service of the notice requiring the keeper of the press to show cause, if no cause is shown or the cause shown is in the opinion of the Local Government not sufficient the Local Government may declare such security or any portion thereof to be forfeited to His Majesty, or where no security has been deposited declare the declaration as annulled and may also declare all copies of such newspaper, book or other documents wherever found in British India to be forfeited to His Majesty."

## AYES—contd.

Lalchand, Captain Rao Bahadur.

Lall, Mr. S.

Leach, Mr. F. B.

Montgomery, Mr. H.

Moore, Mr. Arthur.

Morgan, Mr. G.

Mujumdar, Sardar G. N.

Mukherjee, Rai Bahadur S. C.

Pandit, Rao Bahadur S. B.

Parsons, Mr. A. A. L.

Rainy, The Honourable Sir George.

Rajah, Rao Bahadur M. C.

Rama Rao, Rai Bahadur U.

Row, Mr. K. Sanjiva.

Roy, Mr. S. N.

Sahi, Mr. Ram Prasad Narayan.

Sams, Sir Hubert.

Schuster, The Honourable Sir George.

Scott, Mr. J. Ramsay.

Shah Nawaz, Mian Muhammad.

Sher Muhammad Khan Gakhar, Captain.

Shillidy, Mr. J. A.

Studd, Mr. E.

Tait, Mr. John.

Talib Mehdi Khan, Nawab Major

Malik.

Todd, Mr. A. H. A.

Yakub, Sir Muhammad.

Young, Mr. G. M.

Zulfikar Ali Khan, Sir.

## NOES—20.

Das, Mr. B.

Dutt, Mr. Amar Nath.

Gour, Sir Hari Singh.

Harbans Singh Brar, Sirdar.

Hari Raj Swarup, Lala.

Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.

Misra, Mr. B. N.

Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi

Sayyid.

Parma Nand, Bhai.

Ranga Iyer, Mr. C. S.

Sant Singh, Sardar.

Sarda, Rai Sahib Harbilas.

Sen, Mr. S. C.

Sen, Pandit Satyendra Nath.

Singh, Kumar Gupteshwar Prasad.

Singh, Mr. Gaya Prasad.

Thampan, Mr. K. P.

Ziauddin Ahmad, Dr.

The motion was adopted.

Clause 4 was added to the Bill.

**Mr. President :** The question is that clause 5 do stand part of the Bill.

**Sardar Sant Singh :** I beg to move :

“That in sub-clause (1) of clause 5 for the words ‘not being less than one thousand or more than ten thousand rupees’ the words ‘not exceeding double the amount which the keeper of such press has been previously ordered to deposit’ be substituted.”

Most of my Honourable friends do not realise the principle underlying this amendment. The point is this. In clause 3, the words as modified by the Select Committee are these :

“.....may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees.....”

All the intervening words have been deleted by the Select Committee. Now, what is proposed in the present clause 5 is to demand security “to such an amount, not being less than one thousand or more than ten thousand rupees”; that is to say, discretion is given to the Magistrate to demand security, even 5 times, 6 times, or sometimes 20 times, the security demanded in the first instance. Supposing in the first instance the keeper of the press was called upon to deposit Rs. 500, and next time he is called upon to deposit Rs. 10,000, that amounts to 20 times, the original deposit required under clause 3. What I propose is that, instead of giving this discretion to the Magistrate, it should be restricted to double the amount originally deposited, the reason being that the guilt of the man has not been determined by any judicial authority; it is by executive action that it has been done, and therefore the discretion of the Magistrate should be restricted. With these few words, I move my amendment.

**Mr. D. K. Lahiri Chaudhury :** Sir, I rise to support the amendment moved by my Honourable friend. I have read the speech of the Honourable the Home Member who said that the Government were not anxious to have too drastic provisions and that they were anxious to provide for a course of action which should attain the ultimate purpose of the Bill without too much hardship or too much inconvenience. Is this the way in which the Honourable Member carries out his own statement made when he was moving that the Bill be referred to a Select Committee ? If you wish to punish a man you can do so but in this case the punishment is so much heavier that it strikes one's conscience. With these words I support the motion of my friend Sardar Sant Singh.

**Mr. S. C. Mitra :** I support the motion of my friend Sardar Sant Singh. We think it our duty to put before you how the whole country will view these provisions. We know we are not in a majority. That should be no ground why we should not voice the feeling of the country as expressed in the Indian Press throughout the length and breadth of India. Sardarji suggests that there should not be a lower limit but that each time the deposit should be doubled. Government have so much faith in their Magistrates and yet they do not trust them and consider that there must be a minimum beyond which they cannot go. That shows the mentality that is working in the official brain. As regards the amount it is really very heavy. Rs. 10,000 really means that the paper will cease publication. I think it will be still possible for Government to accept the very reasonable amendment of my friend Sardar Sant Singh.

**The Honourable Sir James Crerar :** In considering this amendment I should ask Honourable Members to compare the provisions of the Bill as introduced and the Bill as it is now before them. They will see, as I have already explained, that the original Bill provided in sections 5 and 6 of that Bill for the circumstances in which it should be within the discretion of the Magistrate to forfeit both the security deposited and the press. In response to suggestions which were made, we have agreed to abrogate in this particular context provision for the forfeiture of the press, and we have simply maintained the maximum amount of Rs. 10,000 prescribed in the original Bill. I must remind the House once more that that is a maximum and I am glad to see that my Honourable friend, Sardar Sant Singh, in explaining the principles of his amendment, assumed that the Magistrate would ask for a small amount in the first instance. In other words, he assumes that the Magistrate would use a reasonable discretion. Let him assume equally that, in taking security under this provision subject to a maximum of Rs. 10,000, the Magistrate will in accordance with his own hypothesis equally exercise a reasonable discretion. For these reasons I must oppose the amendment.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 5 for the words ‘ not being less than one thousand or more than ten thousand rupees ’ the words ‘ not exceeding double the amount which the keeper of such press has been previously ordered to deposit ’ be substituted. ”

The motion was negatived.

**Mr. Lalchand Navalrai :** In view of the fate of the previous amendments and of the hopelessness of any amendment being carried, I do not move this\* or any other amendment.

**Mr. President :** The question is that clause 5 stand part of the Bill. The motion was adopted.

Clause 5 was added to the Bill.

**Mr. President :** The question is that clause 6 stand part of the Bill.

**Sardar Sant Singh :** As this amendment depended entirely upon the previous amendments, I am not moving it†.

**Mr. S. C. Mitra :** Sir, I move :

“ That in sub-clause (1) of clause 6 for the words ‘ declare—

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in British India

to be forfeited to His Majesty ’ the following be substituted :

‘ require to deposit with the magistrate within whose jurisdiction the press is situated a security in amount not more than five thousand rupees in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose ’.”

My main object is that there should be no forfeiture of the press. It seems, the law has really no concern with the enormity of the crime. The man having a larger press suffers more. I think in justice there should be an amount prescribed as fine every time and not forfeiture, irrespective of the capacity of the man. Even for a small crime, a big press might be forfeited altogether. This clause offends against the principle of law that the punishment should be proportionate to the crime. Sir, I move.

**The Honourable Sir James Crerar :** I think that if the Honourable Member will examine his amendment in the context of the clause which he seeks to amend, he will agree with me that it is somewhat misconceived. The proposal to enable the Local Government to require the keeper of a press to deposit security appears to presume that no security had already been required. I think the Honourable Member, in an earlier part of his remarks, observed that he was opposed to the principle of confiscating presses. Now what would the Honourable Member’s amendment really effect ? The relevant words of the clause as they would stand would read :

“ If after security has been deposited the Local Government may require him to deposit with the Magistrate security of not more than Rs. 5,000.....”

Now if action is to be taken under this section at all, it is that, upon the appearance of offending matter, the security which has already been deposited should be forfeited. It would be quite meaningless, to say that after the deposit of such security—which may in accordance with the provisions of the previous clause be in excess of the amount suggested by the

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““ That in sub-clause (1) of clause 5, for the words ‘ ten thousand ’, the words ‘ four thousand ’ be substituted.”

†“ That in sub-clause (1) of clause 6, for all the words beginning with the words ‘ the Local Government may ’ and ending with the words ‘ to be forfeited to His Majesty ’ the following be substituted :

‘ the Local Government may proceed in the manner described in section 4, sub-section (2) ’.”



[Sir James Crerar.]

Honourable Member—it would be quite useless and meaningless to suggest that the only further action that the Government could take would be to demand a further security, without having already forfeited the security deposited. The Honourable gentleman made a great point of the amount of security demanded being reasonable proportionate to the merits of the case. But I must point out that the amount prescribed is the maximum, and the Magistrate and the Local Government have precisely that discretion which the Honourable Member urges ought to be provided for. I think that after this explanation the Honourable Member may perhaps be disposed not to press his amendment.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 6 for the words ‘ declare—

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in British India

to be forfeited to His Majesty ’ the following be substituted :

‘ require to deposit with the magistrate within whose jurisdiction the press is situated a security in amount not more than five thousand rupees in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose ’.”

The motion was negatived.

Clause 6 was added to the Bill.

**Mr. President :** The question is that clause 7 be added to the Bill.

**Mr. S. C. Mitra :** Sir, I move :

“ That in sub-clause (1) of clause 7, after the word ‘ newspaper ’ occurring in the first line the words ‘ if he is not also a keeper of a printing press ’ be inserted.”

Sir, my point is that if a man is to start a newspaper, necessarily he must have a press also. By this clause it seems that he is required to deposit two securities ; and I think if the Government are not to be unduly oppressive on the new publishers of newspapers, they should accept my amendment. Sir, I move.

**Mr. C. S. Ranga Iyer :** Sir, this is a very important amendment ; and if only we had concentrated on a few amendments the previous day, I am sure we would have concentrated on this amendment. Sir, in Select Committee we urged upon the Government that it would be very improper to punish twice the same person, when the same person happens to be the keeper of the press as well as the publisher of a paper. In the old Press Act this thing was quite unknown, and in this Press Bill I think the Government need not unnecessarily have made it harsher by introducing this double security demanded from the keeper of the press, who generally also happens to be the publisher of a newspaper. Sir, if the Honourable the Home Member were to call for information as to how many newspapers there are in the country and who are the publishers of the newspapers and who are the keepers of presses, he will find that in the large majority of cases the keeper and the publisher happen to be one and the same person. I still urge upon the Government that they should concede this demand, this very legitimate demand that the Opposition have put forward, and I do hope they will not insist on and persist in doing what will ultimately be a double wrong to the keeper of a press when he also happens to be the publisher. .

**Dr. Ziauddin Ahmad :** Sir, I had put down a motion to express the same object as this amendment seeks to do. My amendment is No. 78,\* and I will not move my amendment but shall say what I have to say under this clause. Sir, I pointed out when we had the first discussion on this Bill, that this Bill violates five fundamental principles, and one of them was that one and the same person should not be punished twice for the commission of the same offence—once in the capacity of the owner of a printing press and a second time as a publisher. This is an entirely wrong principle, and I hope the Honourable the Home Member and the Honourable the Law Member will realize the difficulty and will agree to this very important amendment. Some Honourable Members suggest that the Government, under the intoxication of commanding a majority of the votes, will feel that we are talking nonsense, and whatever we may say, it will not have the slightest weight with them. Of course, they have their chance now ; but we also will have our chance in the next session.

**Mr. D. K. Lahiri Chaudhury :** Knowing the results of the amendments moved so far, I know, Mr. President, quite fully that there is no chance of getting any amendment passed by the House. Still I do protest.

**An Honourable Member :** Why are you then wasting the time of the House ?

**Mr. D. K. Lahiri Chaudhury :** Just wait and hear my arguments. The Honourable Member may think it mere waste of time, but there are occasions in human affairs when even a dumb mouth makes its futile protest. Sir, there are no human beings in the world who in any constitution of law can be punished for the same offence twice, at the same time in the same case, but it has been definitely laid down in this Bill that the printer of a press has to deposit a huge amount. Sir, it has been definitely pointed out by my Honourable friend that, even in Select Committee, the matter was discussed, and it has already been pointed out that in many cases the publisher and the pressman are the same. Under these circumstances I hope the Honourable Member will at least concede this point and will support this amendment.

**The Honourable Sir James Crerar :** Mr. President, I quite agree with my Honourable friend opposite, Mr. Ranga Iyer, that

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this is an important amendment. It is an amendment, Sir, to which Government have given careful consideration. It was considered very carefully in the Select Committee ; but I think a good deal of misapprehension exists as to what the precise position under the Bill is as compared with the original position. The original Act of 1910 prescribed that :

“ Every publisher of a newspaper who is required to make a declaration under section 5, etc., shall at the same time be required to deposit with the Magistrate a sum not less than Rs. 500 or more than Rs. 2,000 as the Magistrate may in each case think fit to require : Provided that if the person registered under the said Act as printer of newspapers is also registered as the keeper of the press where the newspaper is printed, the publisher shall not be required to deposit security so long as such registration is in force.”

Now, Sir, the second clause of the same section went on to make certain prescriptions as to the second deposit of security by the publisher of a newspaper. Honourable Members if they examine the provisions of that

“ That to clause 7, the following proviso be added :

‘ Provided that no security will be demanded if the publisher is the owner of the press from whom security has already been demanded under clause 4 ’.”

[Sir James Crerar.]

section, will see that the effect is that the exemption provided in the first sub-section of the section to which I have referred did not extend to established newspapers. Consequently the effects of that clause and the exemptions so far as they exist were only for new newspapers. Honourable Members must recollect in this connection also that under the provisions of the original Bill, which followed in this respect the provisions of the Act of 1910, the Magistrate was required to take the deposit of security except when for special reasons he thought fit to dispense with it. That provision has now been changed and it has a very important bearing upon the present case. Secondly, we have provided in an earlier clause of the Bill for a provision that, if at the end of three months, the keeper of a press or publisher has not been responsible for the issue of any offending matter, his deposit is returned and he attains the position of the keeper of an established press or the publisher of an established newspaper. Now, I suggest to the House that this makes a very important change in the position. We have indeed taken great pains to provide, as far as possible, for the difficulties to which the Honourable Member has referred, and I must point out now that, if the amendment were accepted, the results would be as follows. It would lay itself open to a very plain and palpable means of evasion, because all that would be necessary for a publisher, who intended to publish objectionable matter and who wished to avoid the pains and penalties which the Bill would otherwise entail upon him, would be to proceed as follows. He could arrange with the keeper of some press which has already made a declaration and deposited security to register himself also as publisher. We know very well that it is a common practice with the kind of newspapers and presses which we wish to restrain,—I am glad to say they are a very limited number—to put up fictitious persons as publishers or keepers. The dummy editor and the dummy keeper are perfectly familiar to anybody who has studied this question. That is a means by which the provisions of this clause can be completely nullified, and in view of our experience of dummy editors and the like, there can be no doubt whatever that that expedient would be resorted to. Not only would this amendment permit of that easy and palpable means of evasion, but it would quite clearly and positively encourage it ; and I think there is a very good ground of principle for not permitting such a course to be made possible. It is important—and I am sure my Honourable friend Mr. Ranga Iyer will agree with me—that the registration of the publisher of a newspaper should be properly effected. To be a publisher of a newspaper is a very responsible office. The law provides that he shall be rightly and correctly registered and for various other provisions of the law it is necessary that that registration should be a good and valid registration. Consequently I think we should be acting entirely wrongly if we adopted an amendment which invades very seriously a plain and reasonable proposition. The man who undertakes to be the publisher of a newspaper should, in accordance with the law of the land which is in existence independently of this Bill, carry out a true and valid registration.

To sum up, therefore, my objections to this amendment are three. Firstly, it infringes very seriously the purpose and the plain necessity and propriety of having a valid and correct registration of the publisher of a newspaper. Secondly, it provides a plain and palpable means of evasion

which, having regard to the kind of newspapers which are mostly likely to come within the danger of this Bill, could not be allowed, as it would provide an expedient to which the controllers of such newspapers would certainly resort. Thirdly, I have already stated the position and explained that the effect of this clause, read with the other relevant clauses of the Bill, is to provide a very large measure of remedy for the particular trouble which is apprehended by the Honourable Members who support this amendment.

For these reasons I am unable—though I much regret it—to accept this amendment.

**Mr. President :** The question is.

“ That in sub-clause (1) of clause 7 after the word ‘ newspapers ’ occurring in the first line, the words ‘ if he is not also a keeper of a printing press ’ be inserted.”

The motion was negatived.

**Mr. S. C. Mitra :** Sir, I beg to move :

“ That in sub-clause (1) of clause 7 for the words ‘ one thousand ’ the words ‘ five hundred ’ be substituted.”

I think that after all our previous amendments have failed this amendment now stands even on a stronger basis because, when starting a newspaper, the owner of the press shall have to deposit Rs. 1,000, and it may be possible for Government now at least to diminish the amount so far as the publisher of the newspaper is concerned. As a matter of fact, if anybody has to deposit Rs. 2,000 on two accounts, once as owner of the press and again as publisher of a newspaper, it will be really killing the future enterprise of starting any newspaper in India.

I should just like to say one word as regards the point raised by my friend Kunwar Ismail Ali Khan about the waste of time. He may think so, but I think, Sir, it lies with you to consider whether it is really any waste of time. If he reads the constitutions of other parts of the civilised world, he will find that, after the election, it is always found that one party is in a majority and the other is in a permanent minority ; and the duty of the constitutional opposition is always to put before the House and the country, Sir, their view point. It is not so much that we win a division, but we have to represent truly our constituencies, and as such you will allow me to propose all my amendments if I think it to be in the best interests of the country. I find that the Honourable gentleman is not in the House now, but I do not think it is a waste of time at all and I consider it my duty to press all the points that I think should be raised is the best interests of the country.

**The Honourable Sir James Crerar :** Sir, I must point out that this amendment, except that it refers to a newspaper instead of to a press, refers to circumstances which are practically identical with those which we have already considered in sub-clause (1) of clause 3 ; and I do not therefore propose to recapitulate the arguments used on that occasion.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 7 for the words ‘ one thousand ’ the words ‘ five hundred ’ be substituted.”

The motion was negatived.

**Mr. S. C. Mitra :** Sir, I beg to move :

“ That in the proviso to sub-clause (1) of clause 7 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

[Mr. S. C. Mitra.]

I know my argument will be more or less the same as I put forward on the last motion, but I fear the Honourable the Home Member could not catch my point. I say that once you have by the previous clauses the right of full demand of Rs. 1,000, the present clause stands on a weaker foundation. It is an additional demand for a newspaper publisher. The publisher of a newspaper shall have to pay as the Government demand under this clause. It is different now because there will already be a deposit with the Government by the owner of the press. So in the case of the publisher they should consider whether the amount may be diminished at least to a certain extent.

Sir, I move.

**The Honourable Sir James Crerar :** I have nothing to add to what I have said on the previous amendment.

**Mr. President :** The question is :

“ That in the proviso to sub-clause (1) of clause 7 for the words ‘ three thousand ’ the words ‘ one thousand ’ be substituted.”

The motion was negatived.

**Mr. President :** The question is that clause 7 stand part of the Bill.

The motion was adopted.

Clause 7 was added to the Bill.

**Mr. President :** The question is that clause 8 stand part of the Bill.

**Sir Lancelot Graham** (Secretary, Legislative Department) : I have a formal amendment to move under clause 8 to the following effect :

“ That in sub-clause (1) of clause 8 for the words ‘ deposited as required by ’, the words ‘ ordered to be deposited under ’ be substituted.”

The reason for this formal amendment is the amendment of sub-clause (1) of clause 7, by which 10 days’ grace was provided in the case of a new newspaper. A similar amendment, Honourable Members will remember, was made in sub-clause (3) of clause 3 in respect of new presses, and in pursuance of that amendment, an amendment was made in clause 4 in the language which I have now proposed to be used in clause 8. It is needless to say that the amendment which I am now proposing ought to have been included as a consequential amendment in the Report of the Select Committee. It was actually noted for inclusion, but by some oversight it was omitted. Honourable Members will see that the amendment is necessary because you now have two classes of presses. You have presses which have deposited security, and you have presses which have been ordered to deposit their security but have not yet deposited it. It is, therefore, incorrect in clause 8 to deal only with persons whose security has been deposited. You have also to deal with cases where deposits have been ordered to be made but the deposit has not been made. That is the purpose of the amendment.

The motion was adopted.

**Mr. President :** The question is that clause 8, as amended, stand part of the Bill.

The motion was adopted.

Clause 8, as amended, was added to the Bill.

**Mr. President :** The question is that clause 9 stand part of the Bill.

**Sardar Sant Singh :** Sir, I beg to move :

“ That in sub-clause (1) of clause 9 the words ‘ or any other newspaper which is the same in substance as the said newspaper ’ be omitted.”

Sir, my reason in moving this amendment is that this amendment aims at protecting the indiscriminate exercise of discretion on the part of the Magistrates. These words “ which is the same in substance as the said newspaper ” are so vague and so general that almost every newspaper can be covered by this phrase. Now suppose a particular paper has been penalised. A person comes forward with a declaration in the name of a newspaper ; this person is different, the press is different and the name of the newspaper is different from the one penalised. Thus everything is changed. But how on earth can any Magistrate say that in substance it is the same unless there is something in the mind of the Magistrate which nobody can fathom ? This will give a handle to the Magistrate to refuse declaration. Therefore, my submission is that we should keep the dignity of law and use words which are capable of some meaning. I know that reason does not hold good in the discussion of this measure. I know that in carrying forward all their wishes, the executive are bent upon using any language by which they can kill any person they like. By person I do not mean actual physical person, but his trade and profession. Therefore, I submit that there is something like judicial honesty which is at stake. What is the meaning of these words, “ which is the same in substance as the said newspaper ” ? Unless the power of reading the minds of others is given to human beings, this power will be exercised in the most tyrannous manner possible. Therefore my submission is that there should be some decency left in the Bill.

**The Honourable Sir James Crerar :** I think it will be apparent to the House, Mr. President, that the particular words objected to in this amendment have been inserted and were indeed contained in the Act of 1910 in order to provide against a very simple evasion. If these words or words with this purport were not inserted, it is possible for the publisher of a newspaper to make some purely formal changes in the title, formal and general get up of his newspaper, but continuing nevertheless on precisely the same old lines and yet plead that he was not the publisher of a newspaper which had been found to offend.....

**Sardar Sant Singh :** May I know who will be the judge of whether it is in substance the same old paper ?

**The Honourable Sir James Crerar :** In the first instance it will be the Magistrate who will be the judge, and he will probably be most familiar with the antecedents of the newspaper, and therefore I suggest that he is the proper person to judge. I maintain therefore that the substance of this phrase in the clause is quite essential. I do not myself see any objection to the particular phraseology employed, which has passed the scrutiny of several generations of draftsmen ; but if it is merely a question of verbal amendment and not a question of substance, I regret that the Honourable Member has not himself suggested some feasible alternative. If it is on the question of substance that he stands, then I also must stand on the question of substance.

**Mr. President :** The question is :

“ That in sub-clause (1) of clause 9 the words ‘ or any other newspaper which is the same in substance as the said newspaper ’ be omitted.”

The motion was negatived.

**Sardar Sant Singh :** Sir, I beg to move.....

**The Honourable Sir James Crerar :** May I point out to the Honourable gentleman before he moves this amendment\* that, contrary to what has been imputed to the Government Benches, I have accepted the Honourable Member's amendment already and incorporated it in the Bill.

**Mr. President :** The question is that clause 9 stand part of the Bill.

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 17 were added to the Bill.

**Mr. President :** The question is that clause 18 stand part of the Bill.

**Dr. Ziauddin Ahmad :** Sir, I beg to move :

“ That in sub-clause (1) of clause 18 after the word ‘ Whoever ’ the word ‘ knowingly ’ be inserted.”

My object in moving this is to protect illiterate newspaper boys who will be hit very hard by this clause. They are the people who sell and they do not know what they are selling, and it is rather hard upon them if they are to be punished without their having knowingly committed any offence. With these words I move my amendment.

**Mr. D. K. Lahiri Chaudhury :** I rise to support this amendment, Sir. My reason is this : for instance these little boys who sell papers do not know the law. Of course ignorance of law is no excuse, but still in the case of these little boys and illiterate hawkers, they should not be punished unnecessarily. I support the amendment.

**Sardar Sant Singh :** Sir, I do not agree with the word “ knowingly ” being placed before the word “ makes ” ; but I do agree with the principle underlying this Bill (Laughter from the Government Benches).—I mean the principle underlying this amendment. We can see that very wide powers are given and a criminal offence created by this clause. Suppose for the sake of argument that an unauthorised newspaper is published and sent to me by post and it is lying on my table and there the clients have access to it. I am an offender under this Act because I publicly exhibit a paper without even knowing whether it is published as an unauthorised or authorised publication. Under the circumstances you will be punishing a man not for committing an offence, but for not being careful enough to know that an offence has been committed by another person without his knowledge and he happened to keep the incriminating paper on his table.

**Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) :** Ignorance of law is no excuse.

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\*“ That in sub-clause (1) of clause 9, after the words ‘ in securities of the Government of India ’ the words ‘ as the person making the declaration may choose ’, be added”

**Sardar Sant Singh :** But ignorance of fact is an excuse. This is a mistake of fact, and if you have ever cared to study the Penal Code, you will find the distinction there between a mistake of fact and a mistake of law. There are two phrases used in the criminal law. This is a mistake of fact and not a mistake of law, and as such a mistake of fact is always excusable. This amendment proposes that this mistake of fact should be excused and not made punishable.

**Mr. S. G. Jog (Berar Representative) :** Sir, we have practically reached the middle stage (Honourable Members : "The last stage.") of the battle, or rather the battle of words that was begun six months ago. Fortunately there was a truce for some time, but in this session the battle has been reopened again. We have reached the middle stage now—and probably we will reach the end very soon—and it is a foregone conclusion on which side the victory will lie. But how far the victory would be ugly.....

**Mr. President :** The Honourable Member should restrict himself to the amendment that is before the House.

**Mr. S. G. Jog :** I may bring it to the notice of the House, and especially the occupants of the Treasury Benches, that in the criminal law there is a principle and a very important principle which is known as the *mens rea*. This expression, I think, must be familiar even to the Law Member. (Laughter.) The words "*mens rea*" mean criminal intention. In any act, in any offence, whatever that may be, there must be that criminal intention in the mind of that man. Unless that criminal intention is there, or unless that criminal intention is established in a proper court of law, no man can be charged with any offence.

**Mr. K. Ahmed :** What is the meaning of "knowingly" ?

**Mr. S. G. Jog :** Knowingly means one who does an act knowingly.

**Mr. President :** Order, order : please continue your observations.

**Mr. S. G. Jog :** Very well. Sir. This is the first elementary principle of law, and I think an attempt has made to give a go-by to this elementary principle of law in this way. I will give the House a typical instance. Take the grocers' shops. Sometimes these papers are purchased as waste paper in bundles. You buy some article, the grocer packs it up in one of those authorised or unauthorised papers, and hands over the article to you. Would that grocer come under this law or not ? As the clause stands, I am afraid the grocer will certainly come under this, and he will be punishable. If this law is made, then you will punish innocent people. I do not know what to call this law, whether to call it a law or a lawless law. I submit that the amendment proposed is absolutely necessary, and I think the Mover of the Bill will be kind enough to accept it.

**Mr. S. C. Mitra :** Sir, I support this motion. I did not give notice of this amendment because I thought that it was implied in the clause itself that, when there is any such sale or distribution, it necessarily connotes that the man is punishable only when the criminal intention is proved against him, but when the question has been raised, I find that Government are not in a mood to accept it. I think they now intend to punish anybody and everybody who may sell or distribute or who may happen to have a copy of any of these unauthorised publica-



[Mr. S. C. Mitra.]

tions. So if the Government oppose the amendment, I think it is necessary to make it clear that the criminal intention, as in all other criminal cases, should be proved against the man before he is found guilty under this section. Sir, with these words, I support my friend.

**The Honourable Sir C. P. Ramaswami Aiyar :** Sir, my Honourable and learned friend opposite said that even the Law Member must be aware of what he termed "*mens rea*". I take it that what he really meant was "*mens rea*", which is a criminal intention. I have the good fortune or misfortune of knowing what *mens rea* indicates in law, but without wasting more time on the discussion whether the Law Member is aware of this term or not, I shall go to the substance of the matter at once. It will be remembered that these provisions relate to unauthorised news-sheets or newspapers, and the mischief of these news-sheets or newspapers lies in the fact that they are circulated largely and they gain a certain amount of hold upon people, and it is therefore necessary to deal with that evil. Now, how is that evil to be dealt with? In the first place, some remarks were made with regard to exhibiting or keeping. If Honourable Members will look carefully into clause 18, they will find that it is stated there—"Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale.....", the disjunctive construction is the one which is indicated by the way that sentence runs, so that those Honourable Members who are afraid that their clients may look at some papers on their tables and that on account of that information percolating to the police they may be arrested, need not be under any such apprehension.....

**Sardar Sant Singh :** May I draw the attention of the Honourable the Law Member to the word "publishes"?

**The Honourable Sir C. P. Ramaswami Aiyar :** "Whoever makes, sells, distributes, publishes or publicly exhibits.....". A lawyer keeping a pamphlet on the table does not publish it, and it is well known what publication either in the law of libel or otherwise connotes, and I take it that a lawyer keeping that pamphlet on his table does not publish it. That apart, the whole question is this. It will be noticed that this is only a clause which defines an offence. It does not mean that a news-boy who runs about is necessarily to be punished. It means that a prosecution is permissible in cases where it is called for; it will not be called for in such cases. But I will put the other side of the case for the moment. Supposing a person having been responsible for these pamphlets simply hands them over to a hundred different people and asks them to go round the city to make them public, what is the remedy? If Honourable Members will realise that, they will see that the object of this section is only to make a thing punishable and not to make it obligatory on Government to start a prosecution.

**Mr. President :** The question is :

"That in sub-clause (1) of clause 18 after the word 'Whoever' the word 'knowingly' be inserted."

The motion was negatived.

**Sardar Sant Singh :** Sir, I beg to move :

"That in sub-clause (2) of clause 18 for the word 'non-bailable', the word 'bailable' be substituted."

**The Honourable Sir James Crerar :** The Honourable Member will perhaps pardon me if I interrupt him. It might perhaps save the time of the House if I point out that this is another occasion on which I have accepted the amendment proposed by the Honourable Member, and it has been incorporated in the Bill before the House. I am afraid he has not gone through the Bill very carefully. The amendment has already been made in the Bill.

**Sardar Sant Singh :** Have you already incorporated it in the Bill ?

**The Honourable Sir James Crerar :** Yes, Sir.

**Sardar Sant Singh :** Thank you.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the Bill.

**Mr. President :** The question is that clause 23 stand part of the Bill.

**Sardar Sant Singh :** Sir, I do not wish to move this\* amendment.

**Mr. B. Das :** Sir, I beg to move the following amendment :

“ That for clause 23 the following be substituted :

‘ 23. Any person against whom an order calling upon him to give security has been made and any person interested in the press which is ordered to be forfeited may appeal to the High Court for the local area in which such order was made to set aside such order ’.”

Sir, this seems to have been drafted in a much better manner than the drafting in the Bill. One thing that we want to safeguard is that if any press is encumbered, then the person to whom the property is mortgaged, should be allowed to appear and appeal to the High Court for recovery of his dues. For that reason I move this amendment, and I hope the Honourable the Law Member will accept it.

**The Honourable Sir C. P. Ramaswami Aiyar :** The Honourable Member is not surely pressing this, because he will realise if he scrutinises it, that if this amendment be carried, there would be no recourse to the High Court if there was a forfeiture of security.

**Mr. President :** The question is :

“ That for clause 23 the following be substituted :

‘ 23. Any person against whom an order calling upon him to give security has been made and any person interested in the press which is ordered to be forfeited may appeal to the High Court for the local area in which such order was made to set aside such order ’.”

The motion was negatived.

**Mr. S. C. Mitra :** I am afraid my amendment No. 95 is barred by the previous motion, but if you will allow me to move it, I shall do so.

**Mr. President :** The Honourable Member may move it. The question will be considered if a point of order is raised.

**Mr. S. C. Mitra :** I beg to move :

“ That in sub-clause (1) of clause 23 for the word ‘ sub-section ’ occurring in line three the words ‘ sub-sections (1) and ’ be substituted.”

My amendment really gives power to the High Court to revise any order that is passed by the District Magistrate. There is some provision in the

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“ That Clause 23 be omitted.”

[Mr. S. C. Mitra.]

earlier clauses that the Magistrate, while giving notice for security, should also put forth his arguments. It may not be a judicial trial, but if my amendment is accepted, it will give the High Court power of revision to go through the order. The Magistrate may not be bound to give reasons, but if any reasons are given, then the High Court will be in a position to see if there are adequate grounds for passing such orders. Sir, I move.

**The Honourable Sir James Crerar :** The Honourable Member was commendably brief in moving his amendment, and he asked the House to approve of the proposition that an order made under sub-clause (1) of clause 3 should be made subject to an application to the High Court. When we were debating clause 3 of the Bill, that particular question was exhaustively scrutinised, and I shall imitate the Honourable the Mover's brevity by recalling very shortly to the House what the contentions then advanced were.

It was pointed out that a Magistrate proceeding under sub-clause (1) of clause 3 naturally was not acting upon matter which offends under clause 4 of the Bill. We have provided remedies against any inconvenience or hardship that might be occasioned, firstly, by requiring the Magistrate to record his reasons for passing an order of that kind, which makes it liable to the scrutiny of the Local Government, and secondly, by the other proviso to that clause, more particularly the provision that if the keeper of the new press has not offended within three months of the declaration, his deposit will be automatically returned. In short, the general grounds of my opposition to the amendment are those which have already been indicated. If the keeper of the press fails and his security is forfeited, then at that stage recourse to the High Court becomes both admissible and practicable. I oppose the amendment.

**Mr. President :** The question is :

"That in sub-clause (1) of clause 23 for the word 'sub-section' occurring in line three the words 'sub-sections (1) and ' be substituted."

The motion was negatived.

**Mr. S. C. Sen :** I beg to move :

"That in sub-clause (1) of clause 23, after the words 'the High Court shall decide' the following be inserted :

'whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and '."

Sir, both under the Act of 1910 and this Bill, certain provisions have been made regarding notice calling for security and of forfeiture. In both the enactments, it is provided that a description of the words complained of, a description of the figures complained of, etc., should be given in the notice. Lord Sinha, then he was Mr. Sinha, in supporting the Bill of 1910, considered this provision as one of the most valuable safeguards against official *zoolum*. In this House also, if I remember correctly, the Honourable the Law Member considered that it was obligatory on the Local Government to describe the words, etc., and he also regarded this provision as one of the safeguards. How is this safeguard to be provided for ? Supposing the Local Governments, as they have hitherto done, do not describe in the notice the words complained of, what would happen then ? No provision has been made to meet such a contingency. As a

matter of fact, Sir Lawrence Jenkins in the well known *Comrade* case held that having regard to the language of the Act, his hands were tied and he could not do anything in the matter, that he could not enter into the question whether the notice was good, bad or indifferent. Let me quote his words :

“ The notification, therefore, appears to me to be defective in a material particular, and but for section 22 of this Act, it would, in my opinion, be our duty to hold that there had been no legal forfeiture.”

That was his opinion. He felt constrained to find that, although the notice was bad, although the notice was defective and did not comply with the express provisions of the Act,—which the late Lord Sinha considered to be a safeguard—he could not do anything in the matter. I want to provide against that. It may be said that you should leave the matter to the discretion of the Local Government, that you should not consider that the Local Government are so bad that they would not frame their notice in the manner provided in the Act. But from the report of the *Comrade* case you will find that not only the notice was bad but the Advocate General of Bengal was instructed to take this point and to oust the jurisdiction of the High Court to consider whether the notice was good, bad or indifferent. Again, if it be held that the notification was invalid, there would be in fact no forfeiture. Moreover the High Court has no jurisdiction to inquire into the validity of the forfeiture for two reasons. First, it is barred under the corresponding section, to clause 30, and secondly under section 17, under which this application is made, the High Court is given power to set aside an order of forfeiture on the one narrow ground, namely, that the newspaper or book or other document in respect of which an order was made did not contain the words, etc. Clause 30 and again clause 23 which we are now considering, show that the matter which the High Court should take into cognisance is that the High Court shall decide if the newspaper or other document in respect of which an order was made did or did not contain any words, etc. The only function of the High Court in this case would be to consider this particular question and no others. Again under clause 25 :

“ If it appears to the Special Bench on an application under sub-clause (1) of section 23 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order.”

The only question which the High Court can decide is the question whether the articles complained of or the book complained of contained these words or not. If so, the very salutary provision which was put into the Act of 1910 and which Mr. Sinha considered to be of vital importance and a safeguard to the accused and which the Law Member here also considered to be necessary cannot be gone into by the High Court having regard to the provisions of the Bill. Therefore I move my amendment. I have also similar amendments to clauses 25 and 30. These are amendments standing in my name, Nos. 103 and 114.† Moreover having regard

†“ That in sub-clause (1) of clause 25 after the words and figures ‘ of section 23 that ’, the following be inserted :

‘ whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and ’.”

“ That in clause 30, after the words ‘ has taken place ’, the following be inserted :  
‘ provided the notice of forfeiture was made in strict conformity to the provisions of this Act ’.”

[Mr. S. C. Sen.]

to the express provision made in the Bill and to the declaration made by the Honourable the Home Member, it would not look nice for the Government now to contend that, although these words are necessary, that notice should be given in accordance with the provisions of the Act, still we will not allow the High Court to enter into this question. If the Government are really sincere, they ought not to object to the addition of these words which I have suggested in my amendment.

**Sardar Sant Singh :** I rise to support this amendment. Its necessity has become greater on account of the defeat of all the amendments which attempted to judicialise the proceedings. The executive are required to comply with the forms of procedure at any rate as they themselves propose. If they do not want to accept this reasonable amendment, it means that the executive do not want to comply with the provisions of this Act. A case like this may arise. Without notice or a single word, a press is forfeited and taken away. There is no remedy. The person who has suffered will not be given an opportunity to understand what were the words or expressions which he used which were considered objectionable by the executive. Of course he will have a right to go to the High Court. The High Court will not look into the question whether the notice was good, bad or indifferent. The High Court says, "Here is a newspaper. If the executive have not chosen to point out the words, signs or visible representations which are objectionable in their view, then we will not look into it". The Public Prosecutor will get up and say "I press the point. Page 5 is objectionable and the forfeiture was justified". The High Court says, "No, the words on page 5 are not objectionable". Then the Public Prosecutor will say, "There are some more objectionable passages in other pages". So, I say, Sir, that this will make the Act very loose and the executive will act in a high-handed manner. I therefore strongly urge that this portion should be included in the clause. I support this amendment.

**Mr. Amar Nath Dutt :** I think my friend the Law Member will not deny that it is an elementary principle of law that the accused should know the charge against him. In civil cases also there is the provision that a plaintiff should disclose a cause of action so that the defendant knows what the case is against him. And the plaintiff is also given a chance of knowing what the defendant has to say against the plaintiff's case. If that is so in a civil case, it is all the more necessary in a criminal case, which deals with the life and liberty of the people. That being so, the man who is going to be fined under the provisions of this Bill ought to know from the very beginning the facts upon which the executive bases its charge. Those who have experience of the subordinate Magistracy know too well how often notices under sections 107, 108 and 110 have been declared invalid by superior courts. I believe in many cases invalid notices are intentionally issued. I do not say that Government keep in service Magistrates who do not know the provisions of the Criminal Procedure Code. The only other conclusion to which we will be entitled to come to is that Magistrates intentionally prostitute their office and do not make mention of the real facts under which these men are hauled up. I think the Honourable the Home Member held the office of a District Judge for some time and I think he had on several occasions to set aside the order of the subordinate Magistracy and I trust the Honourable the Law Member had experience of the fact that notices

were often given which were not according to law, and the party aggrieved had not the means to know what the real charges against them were, and, Sir, as my Honourable friend, Sardar Sant Singh, has been pleased to observe, they can, without giving proper notice, without going to the High Court, simply say, "The offensive article is found on page 1 or 2 or 3 or 4 or 5 and so on". That being so, if the Government really do not want to invest Magistrates with further powers of oppression and tyranny, they ought to have safeguards at least for those proprietors of presses who are entitled to ask that, "At least let us know what you complain of, so that we may prove beyond the shadow of a doubt that we are not guilty". If your intention is that everything is to be done by executive order, of course we have nothing to say; but if you are really sincere, after our having pointed out to you these facts, you should not object to the motion.

**Mr. S. G. Jog :** Sir, if one can see through the provisions of the Bill, he will see that it is a double-object Bill. With one object an attempt is made to control the Press; and another hidden object is to control the powers of the High Court. The fact is that the executive authorities now somehow or other are losing confidence in these High Courts, and they think that if they must do the job in their own way, they must curtail and control the powers of the High Court by such legislative measures. As regards the question of notices—how the processes are issued, how they are manipulated in the offices, through whose hands they pass, and what sorts of irregularities are done, that is a matter which is within the common knowledge of those who have to deal with courts. There are a number of irregularities committed in the issue of notices, in the service of notices; and if an adverse order is passed which goes against the interests of the printer or publisher, what is he to do? Now after the chapter of the executive processes is finished, we enter upon the powers of the High Court which were described by the Honourable the Law Member the other day. Now the High Courts have to exercise their powers; but this Bill says, "No, you shall not look into the whole matter carefully but your powers are restricted; you must only decide this much and no further; you are not to go behind all this". I say, Sir, what propriety is there for curtailing the powers of the High Court in this way? If an irregularity is done, does the executive authority mean that the High Court should be powerless in setting aside orders which have not been passed in conformity with the provisions of law, and that there should be no remedy for that, and that even fetters should be put on the powers of the High Court? Sir, this is an attempt to encroach upon the ordinary powers of the High Courts, and I submit that the amendment moved should be accepted.

**The Honourable Sir C. P. Ramaswami Aiyar :** Sir, let us analyse clause 3, sub-clause (3) and clause 7, sub-clause (3), which are the two clauses dealt with in section 23. Clause 3, sub-clause (3) says that certain persons should be given notice by the Local Government stating or describing such words, signs or visible representations and so forth. Therefore a notice has first of all to go to the keeper of the press, under clause 3, sub-clause (3), indicating clearly what the words, signs and visible representations are which are supposed to be obnoxious to the law. Under clause 7, sub-clause (3); there are practically identical provisions. Then we come to clause 23. It is to the keeper of the press who has been ordered to deposit security under sub-section (3) of section 3;

[Sir C. P. Ramaswami Aiyar.]

that is, it is to the man to whom notice has been given, as indicated already, in which notice are contained those words and visible representations, etc., that it applies. Supposing it applies, then the High Court has to consider and decide if the newspaper, book or other document in respect of which the order was made did offend—it is not to wander at large from page to page, as was stated. A specific order should have been made, which is complained of, and that order has to describe, under clause 3 and clause 7, the particular signs or visible representations, and the High Court has to decide if that order was within the law or not. If, on the other hand, there have been such fundamental irregularities, the order would not be within the law and would not have been held to have been passed under the relevant clause as the High Court would say. “There is no such word or sign or representation as you are supposed to have uttered, and there is therefore no order which you have infringed, and you are acquitted”. That I submit is the answer to the question put.

**Mr. Amar Nath Dutt :** Then what is your objection to have it put down more clearly ?

**Mr. President :** The question is :

“That in sub-clause (1) of clause 23, after the words ‘the High Court shall decide’ the following be inserted :

‘whether the notice for deposit of security or of forfeiture was given in strict conformity to the provisions of this Act and ’.”

The motion was negatived.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

**Mr. President :** The question is that clause 25 stand part of the Bill.

**Mr. S. C. Mitra :** Sir, I move :

“That in sub-clause (4) of clause 25, for the words ‘the order shall stand’ the words ‘the opinion of the Chief or Senior-most Judge shall prevail’ be substituted.”

The clause at present runs thus :

“(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.”

Now the ordinary procedure in High Courts in cases where there is a difference of opinion and there is equality of opinion on both sides, is that the opinion of the Chief or senior-most Judge prevails. My argument is that where the senior Judge of the High Court differs from his brother as regards the guilt of a person, the rule is that the accused gets the benefit of doubt ; I do not see why the general and ordinary procedure should not be followed in these cases, where it is supposed that a High Court Judge is in the position of holding that the person concerned is not guilty ; and I do not see why the opinion of the Chief or senior-most Judge should not prevail in such cases also.

**The Honourable Sir James Crerar :** Sir, I think the Honourable Member's amendment has been moved under some misapprehension. All the High Courts and Chief Courts of India and nearly all the Judicial Commissioners' Courts have got at least three Judges, and consequently the position in which there are only two Judges to consider an application could not arise except I think in the one case of the Court of the

Judicial Commissioner of the North West Frontier Province. Therefore the provision he proposes would in any case have an exceedingly limited application. On the merits, my position is this. Even supposing that such a position arises, it would be reasonable that the matter should be left in the *status quo* in which the application came to the court. Firstly, there would be the opinion of the Magistrate, secondly, of the Local Government and thirdly, at least one of the Judges supporting their views. In all these circumstances I think it would be reasonable that in the few number of cases in which this contingency might arise, the *status quo* should prevail, just as when the opinion in this House is equally divided, you in the exercise of your Presidential functions maintain the *status quo*.

**Mr. President :** The question is :

“ That in sub-clause (4) of clause 25, for the words ‘ the order shall stand ’ the words ‘ the opinion of the Chief or Senior-most Judge shall prevail ’ be substituted.”

The motion was negatived.

**Sardar Sant Singh :** Sir I beg to move :

“ That in sub-clause (4) of clause 25, for the word ‘ stand ’ the words ‘ be set aside ’ be substituted.”

In moving this amendment, I have in mind the reply which the Honourable the Home Member has just given to the previous amendment which has been lost. The reason given on the other side is that the opinion of the Judge is corroborated by the opinion of the Local Government or of the Magistrate, as the case may be, and hence there is a majority on the other side and one Judge's opinion should not prevail. My submission is that here is another assault on criminal jurisprudence. The rule of law in the administration of criminal justice is that the benefit of the doubt goes to the accused and not to the prosecution. The benefit of having at least one Judge on the side of the newspaper or the keeper of the press is really a benefit over which the executive should submit their judgment to the judgment of the one Judge. If the doubt arises and if the publisher or keeper can carry with him one Judge of the High Court, he is certainly entitled to hold that his words were not of that objectionable nature which the executive say they were. Therefore my submission is that, taking into consideration the principle of giving the benefit of doubt to the accused, it is absolutely essential that the judgment of even the one Judge should carry the day, and it should not be in favour of the Local Government.

**The Honourable Sir James Crerar :** Sir, I must oppose this amendment on the same grounds as the previous one.

The motion was negatived.

Clause 25 was added to the Bill.

Clauses 26 to 29 were added to the Bill.

**Mr. President :** The question is that clause 30 stand part of the Bill.

**Mr. B. Das :** Sir, I beg to move :

“ That in clause 30, after the words ‘ as against all persons ’ the words ‘ other than bona fide encumbrancers ’ be inserted.”



[Mr. B. Das.]

Sir, when a property is mortgaged, the mortgagee has the right over that property under the law. I do not know very much of law, but I think this is common sense. If that is so, then I want to safeguard the right of *bona fide* encumbrancers. It will not interfere with the principle of the Bill or with the object which the Honourable the Home Member has in view. I hope, therefore, he will accept the amendment which I move.

**Pandit Satyendra Nath Sen :** Sir, some time ago I rose to support the amendment No. 47, which I thought had reference to the most cruel part of the Bill. If that amendment referred to the most cruel part, this amendment refers to the most irrational part of the Bill. Does it stand to reason that "A" should suffer for the offence of "B" and for no fault of his? This amendment is most reasonable, and I hope the Honourable the Home Member will relent a bit this time, although he may be afraid that it will go a great way to damage the good reputation of his being possessed of an exceptional equanimity of mind with which he has kept tight so long to the wonder of this House and, for the matter of that, to the wonder of the whole country.

**Mian Muhammad Shah Nawaz** (West Central Punjab : Muhammadan) : Mr. President, this amendment has considerable force and in my opinion encumbrances created before the passing of this Act should be protected. A man who took a mortgage of a press before the commencement of the Act did not know that the Press Bill was to be passed and brought on to the Statute-book. He certainly did not know that the press after the first bite would be forced to deposit security, and if it were not deposited within the specified time, the press was liable to be forfeited. Now, Sir, it is a fundamental principle of law that a man who has taken a transfer for valuable consideration before a certain enactment comes into force must be protected and it is also equity, justice and good conscience. It is the duty of the Legislature to protect all *bona fide* encumbrances which were made for valuable consideration before the commencement of the Act. The case of a man who has sold his press on a hire and purchase contract is directly in point. The transferee does not become absolute owner of the press until the last instalment is paid and the transferor has a lien on it to the extent of the unpaid amount. Surely the Government should not be allowed to destroy a lien created before the enforcement of the Act. Sir, I agree that encumbrances created after the passing of the Act need not be protected, because the press being under a cloud, the Government have every right to forfeit it. But the right of the Government to forfeit should be subject to a lien if the encumbrance is created before the passing of the Act. I do not know of any principle of law under which the Government are entitled to forfeit the property over which a lien in favour of a third person was created by a mortgage before the passing of the Act. The point is too obvious and in my humble opinion the Government in equity, justice and good conscience should accept my suggestion. Sir, I may be allowed to move this amendment to the amendment of my Honourable friend Mr. Das. (Applause.)

**Sardar Sant Singh :** Sir, to me this clause 30 has been drafted without any regard to the interest of anybody except the State. My objection to this is this. I will give an illustration. Supposing I advance

money to a keeper of the press or the owner of the press and I get a decree against him and in execution of that decree I get the press attached and the press is actually under attachment. Then the auction takes place, but the money is not yet given to me. Meanwhile at this stage the Government forfeits the press. I want to know whether I am protected at that stage or not. What right has been left in the owner of the press or the keeper of the press which the Local Government wants to forfeit? There is nothing. Another extreme case is this. Supposing a charge is already there on the press by a mortgage. Now the Government come in and forfeit the press. Why should my rights be taken away? There is no reason. Therefore, this amendment is a fundamental amendment which goes to the root of the whole thing and I support it.

**Sir Lancelot Graham :** Sir, we are appealed to in the name of justice. We desire to deny justice to no one. But there are great difficulties attached to the possibility of acceptance of the amendment now before the House. I am not quite sure whether it is suggested that we have forged a new weapon of repression in this clause. But I do notice that not a single one of the speakers has made any reference to the fact that this clause 30 actually only reproduces the contents of the corresponding section in the Act of 1910.

**Sardar Sant Singh :** Is that a justification?

**Sir Lancelot Graham :** I expected that from my acute friend, Sardar Sant Singh. That does not necessarily justify the existence of this clause. I agree with him. But I do say that the fact that the clause had been in operation for 12 years is worth taking into consideration.

**Mian Muhammad Shah Nawaz :** The clause was condemned by Sir Lawrence Jenkins and the Chief Justice and Mr. Justice Stephens of the Calcutta High Court in the famous *Comrade* case.

**Sir Lancelot Graham :** As regards the rights of the mortgagee?

**Mian Muhammad Shah Nawaz :** As regards the rights of the previous mortgagee, the Government has absolute right under this clause to forfeit those rights. My contention is that the *bona fide* mortgagee, or one who held a lien over the property before the commencement of the Act should be allowed to establish it before a civil court. As the clause stands now the Government's right to forfeit is absolute against all persons including the *bona fide* mortgagee who took the mortgage long before this Bill was contemplated.

**Sir Lancelot Graham :** I entirely agree that is the position and I have suggested nothing else. But what I do understand is, that my Honourable friend, Mian Shah Nawaz, for whose opinion I have the greatest respect, said that he would support action of this kind, confiscation in respect of the press being mortgaged if the mortgage had not taken place before the passing of this clause. But I do not find that the amendment on the paper makes any such distinction. I think it is a great pity if my Honourable friend, Mian Shah Nawaz, holds such definite views, that he should not have tabled an amendment himself.

**Mr. B. Das :** May I ask if I can move an amendment in line with what the Honourable Member, Sir Lancelot Graham, has suggested and whether that will be accepted?

**Sir Lancelot Graham :** I am not suggesting any amendment, Sir. I am criticising the position of my Honourable friend, Mian Shah Nawaz. My friend, Mr. Sen, on the other hand, said that "A" should not suffer for the sake of "B". As I understand the purport of this amendment, it is that a press, though it be the instrument by which the offence is committed, is not to be forfeited, if people can come forward saying, "I have a mortgage and consequently cannot have the forfeiture". It is opening the way to confusion and merely putting in the word *bona fide* is not going to ensure the proper working of the amendment. It will be possible for proprietors of presses to take refuge behind their mortgages and in that way evade merited forfeiture. My friend, Mr. Das, said he wanted to be kind to mortgagees. We do not wish to be unkind to mortgagees. But we have to look to the activities of the press and not to the feelings of the mortgagees, and for that reason, I think this clause is essential in its present form. I do not say it was impossible for the Opposition to devise something which might have been acceptable, provided it did not interfere with the effectiveness of the provision for forfeiture. Forfeiture is absolutely essential when the press or the newspaper has contravened the provisions of this Bill in such a way as to require the passing of an order of forfeiture.

**Mr. B. Das :** After hearing the Honourable Sir Lancelot Graham's speech, may I suggest an amendment acceptable to him, namely, the protection of such encumbrances which are declared before a Magistrate at the time of encumbrance.

**Sir Lancelot Graham :** That would not help us in the least.

**Mr. S. C. Mitra :** May I suggest that we might add all encumbrances before the passing of this Act ?

**Sir Lancelot Graham :** That does not solve the trouble either.

**Mr. S. C. Sen :** I do not know whether Sir Lancelot Graham is willing to take any suggestion . . . . .

**Sir Lancelot Graham :** I am afraid not.

**Mr. President :** Government do not seem to be inclined to accept any suggestion on those lines. The question is :

"That in clause 30, after the words 'as against all persons' the words 'other than *bona fide* encumbrancers' be inserted."

The Assembly divided :

#### AYES—16.

Chandi Mal Gola, Bhagat.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Fazal Haq Piracha, Shaikh.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Mitra, Mr. S. C.

Ranga Iyer, Mr. C. S.  
Sant Singh, Sardar.  
Sarda, Rai Sahib Harbilas.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

#### NOES—49.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Ahmed, Mr. K.  
Alkhan Baksh Khan Tiwana, Khan  
Bahadur-Malik.  
Azizuddin Ahmad Bilgrami, Qazi.

Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Cerar, The Honourable Sir James.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.

NOES—*contd.*

Dyer, Mr. J. F.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.  
 Jawahar Singh, Sardar Bahadur Sardar.  
 Knight, Mr. H. F.  
 Lalchand, Captain Rao Bahadur.  
 Lall, Mr. S.  
 Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.

Rajah, Rao Bahadur M. C.  
 Rama Rao, Rai Bahadur U.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Talib Mehdi Khan, Nawab Major  
 Malik.  
 Todd, Mr. A. H. A.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

**Mr. S. C. Sen :** Sir, the amendment which I wish to move reads thus :

“ That in clause 30, after the words ‘ has taken place ’ the following be inserted :

‘ provided the notice of forfeiture was made in strict conformity to the provisions of this Act ’.”

I know, Sir, the opinion that has been expressed by the Honourable the Law Member, and I do not expect any mercy from the Government. I know that the Treasury Benches will not accept this amendment. The opinion of the Honourable the Home Member is not only wrong, but it is against the considered opinion of two Chief Justices and four Judges of the High Court. With these observations, I move.

**The Honourable Sir James Crerar :** I think, Sir, that in substance the Honourable Member's amendment is practically the same as the one which has already been dealt with. It has been dealt with in full by the Honourable the Law Member, and I have nothing to add to what he said, except that in this context the same considerations will apply.

The motion was negatived.

Clause 30 was added to the Bill.

Clauses 31 and 32 were added to the Bill.

**Mr. President :** Clause 1.

**Mr. S. G. Jog :** Sir, we have practically reached the last stage of the battle, and if we fail here, we will fail in the battle, subject of course to the position at the third reading of the Bill. My amendment is that the provisions of this measure shall not be operative in any province unless the Local Government of the province makes out a case for the application of the said Act and takes the sanction of the Government of India or the Governor General in Council. When I sent in this amendment, I was a bit doubtful about the propriety of this. Somehow or other I find that I am not supported by anybody else, and I stand by myself, and I have to fight my own battle. Fortunately to-day I find there is a similar amendment moved by my friend, Mr. Thampan, and I think I have only to depend

[Mr. S. G. Jog.]

on him for supporting this amendment. Over and above that, I find that a leading newspaper of my province has also taken the same view as I have taken in this matter. That paper has suggested that it is admitted that terrorist organizations exist in some parts of the country, and so it asks why cannot the Bill be restricted to the same parts in the first instance, giving power to the Local Governments to apply it to other areas if necessary. I must congratulate myself that I belong to a province which fortunately is not in the list of "bad boys". I observe from the brochure that has been supplied to us showing the statement of offences and crimes in all parts of India, that there is not a single case of terrorist movement or incitement to violence and such like things in my province. I will not take the highest number first, but I shall take the lowest number, and I would ask the Honourable the Home Member to point out any terrorist crime in my sub-province or head province under which my province is. There is not a single case of terrorist movement or any incitement or any leaflet published calculated to incite people to murderous activities or any charge of that sort in my province. (*An Honourable Member* : "Which is that province?") Berar. As regards the Central Provinces, I find that there is only one case, and that case is the finding of a bomb in the house of a *sonar* in a certain village, and a certain quantity of chemicals and communist and revolutionary literature was recovered from that goldsmith's house. The suspicion is that that the bomb was being prepared for political purposes. Whenever a bomb is found it is always suspected that it is for political purposes. This is the only case which is referred to. As regards the other provinces, take Burma, and I find no case there. The United Provinces, there is one case, Indian States, one case. So my point is that in those provinces in which there is no such terrorist movement, or where the newspapers have not taken to bad ways or to those bad measures as are described in some of these pamphlets, I do not see any reason why these drastic provisions of the law should be applied. On the contrary, if this law is applied indiscriminately to all the provinces, it will be practically keeping a sword hanging over the heads of those provinces. I say there is absolutely no necessity to apply this law to other provinces where there is no terrorist or other kind of anarchical movement. If Government still insist that this law should be applied to other provinces also, then I shall have no hesitation in charging Government with carrying this poison to my province and to other provinces where there is no terrorist movement in existence and if anything happens, it will be due to application of this law where it is not necessary. Therefore, my submission is this. You pass the general law, and if any recommendations come from the Local Governments, or if there are any cases of such a nature as to render the application of this law necessary, those Local Governments should make out a case and the Government of India should be satisfied that there is necessity for applying the provisions of this law, and then this law could be applied to such provinces. Sir, with these words, I move the amendment.

**Mr. S. C. Mitra** : Sir, I support the amendment of my friend, Mr. Jog. I do not know whether Government will accept this amendment or whether it will be supported by other Members who pose as free thinkers and are guided only by the consideration of justice and equity. Now, from the very beginning I was under the impression that this Bill was really meant, not for suppression of incitement to murder and the like, but its real purpose was to suppress the nationalist Press. If the Government are

of that opinion, let them say so now. Mr. Jog is speaking of provinces where there are no cases of terrorist or other revolutionary activities, and Government, even from their own book, could not cite a single case in some provinces of incitement to murder or violence. Now, the law will be there, and, only if any Local Governments want it, they can apply to the Government of India. If the real purpose of the Bill is not to suppress the Press, then Government will see their way to accepting the amendment.

**The Honourable Sir James Crerar :** I think the Honourable the Mover of this amendment, if he reflects a little, will come to the conclusion that this amendment is misconceived. In the first instance, I should point out that its form is quite inadmissible, and would be, for example, entirely inconsistent with sub-clause (3) of the clause. But what I imagine the Honourable the Mover had in mind was this, that the Bill, when it becomes law, should not be generally in force in the whole of British India, but should only come into force with the sanction of the Governor General in Council on the motion of the Local Government concerned. I will deal with what appears to me to be the principle behind the Honourable Member's amendment, though I could not in any case accept it because of its extreme defect in form. But let me get down to the question of principle. He suggests that if in any particular province no terrorist crime has taken place, that will be a good case for not having the Act in force in that province. Sir, I may point out that the Bill is directly aimed against incitement to and encouragement of murder and other acts of violence and not the original offences themselves, which, of course, are dealt with by other provisions of the law. My point is that the principle of my Honourable friend's amendment is quite misconceived. It is also based upon a misapprehension of facts, because in point of fact the recent Punjab Mail train murder took place within the territories of the Central Provinces, and it was found....

**Mr. S. G. Jog :** The matter is *sub judice*.

**The Honourable Sir James Crerar :** And within the jurisdiction of the Courts of that province.

**Mr. S. G. Jog :** It is the Central Provinces.

**Mr. J. F. Dyer** (Central Provinces : Nominated Official) : One of the accused persons did come from Berar.

**Mr. S. G. Jog :** The matter is still *sub judice*.

**The Honourable Sir James Crerar :** Sir, it is a relevant fact that in the course of that trial references were made in evidence to the influence of inflammatory literature. That, therefore, I think, disposes to a very large extent of the allegations of fact on which the Honourable Member bases his case. But the principle goes really much further. It is quite clear that a measure of this kind, if it is to be effective, at all, must be applicable to the whole of India because if the provisions of this law are not applicable to one particular province, it will be perfectly open to the offending Press to invade that province and carry out its propaganda from there. It is essential in order to prevent the circulation and dissemination of undesirable matter from one province to another that the law should have general applicability. For these reasons, both on the point of form and on the point of principle, I must oppose this amendment.

**Mr. President :** The question is :

“ That in sub-clause (2) of clause 1, after the words ‘ Southal Parganas ’ the following be added :

‘ but it shall not be operative in any province unless the Local Government of the Province makes out a case for the application of the said Act and takes the sanction of the Government of India or the Governor General in Council ’.”

The motion was negatived.

**Mr. S. C. Mitra :** I move :

“ That in sub-clause (3) of clause 1, all the words occurring after the words ‘ for one year only ’ be omitted.”

My purpose is to restrict the operation of this Act to one year only. As a matter of fact, I know that such a drastic measure with wide scope, under which anything may be netted, was accepted by many Honourable Members as an emergency measure, which means that it will last only for a short period. If the Honourable the Home Member is not afraid of this House when it will be in full session, if he is not afraid that in a fuller House he may not get the opportunity he has now, and that it may not be such plain sailing for him, I hope that he will accept this suggestion of mine that the Act should last for a period of one year only, and if any necessity arises again thereafter for such a measure, it may be re-enacted at the proper time. Sir, I move.

**The Honourable Sir James Crerar :** I am afraid I cannot accept this amendment. I think that it would be idle to suppose, in the circumstances with which we are confronted, that a period of one year would be a reasonable period within which to expect that a definitive effect would be produced upon this evil. The Government have already gone a long way in reducing the period from three years to two years, and if we go beyond that I think we should be failing in our duty.

**Mr. President :** The question is :

“ That in sub-clause (3) of clause 1, all the words occurring after the words ‘ for one year only ’ be omitted.”

The motion was negatived.

**Mr. President :** The question is that clause 1 stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

**Mr. President :** The question is that this be the Title and Preamble of the Bill.

**Sardar Sant Singh :** Sir, I am not moving amendment No. 3,† but I beg to move amendment No. 5 which runs as follows :

“ That in the preamble to the Bill, before the word ‘ violence ’ the words ‘ cognisable offence involving ’ be inserted.”

The provisions of this Bill are confined to cognisable offences involving violence, and therefore those words must be added. It is only a formal amendment and I hope it will be accepted.

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“ That in the preamble to the Bill the words ‘ or encouraging ’ be omitted.”

**The Honourable Sir James Crerar :** I think this is quite unnecessary. The operative part of the Bill is in clause 4 ; and the preamble is not an operative part of the Bill. It does not purport to give a precise statement of the detailed provisions of the Bill, and the preamble as it stands is a succinct and quite adequate expression of the general contents of the Bill. For these reasons I do think that the amendment will be entirely inappropriate.

**Mr. President :** The question is :

“ That in the preamble to the Bill, before the word ‘ violence ’ the words ‘ cognisable offence involving ’ be inserted.”

The motion was negatived.

**Mr. President :** The question is :

“ That this be the Title and Preamble to the Bill.”

The motion was adopted.

The Title and Preamble were added to the Bill.

**Mr. President :** I should like now to ask Honourable Members whether they wish that the motion to pass the Bill should be taken up now.

**The Honourable Sir George Rainy :** I should like to say, speaking not so much on behalf of the Government as on behalf of what I believe to be the wishes and convenience of a great majority of the Members of this House, that the arrangement which would be most convenient would be that we should proceed to the third reading of the Bill now. I wish to make it quite clear that it is not a question of the interests of Government or the consideration that sometimes arises over other Bills, but I do believe that there is a very strong wish amongst the majority of Members of this House that, if possible, the session should be closed to-morrow and I do not see how that is possible at all unless we can clear off the work to-morrow.

**Mr. C. S. Ranga Iyer :** I endorse every word that the Honourable the Leader of the House has said. I very much wish that we should sit up and finish this Bill, especially, judging from the thin attendance in the House, which reveals that there is no desire to prolong the discussion of this Bill on this side of the House.

**Mr. S. C. Mitra :** We do not agree with the Honourable the Deputy Leader of the Nationalist Party. If it is a question of the thinness of the House, we could have gone away a couple of days earlier. If the Government want to take advantage of the thinness of the House, let them do so but the Opposition must have its say. I should like you, Sir, to adjourn.

**Mr. President :** The point on which I wish to consult Honourable Members is whether the third reading of the Bill should be taken up now or whether it should be taken up later. If it is not taken up to-day, it will be open to Government to take it up to-morrow or on Monday. Having regard to what Mr. Ranga Iyer has said, I want to know the feeling of the House.

**Sir Lancelot Graham :** It is on the Agenda Paper for to-morrow.



**Mr. President :** Will those Honourable Members who want the debate to be adjourned rise in their places ?

(A number of Honourable Members stood up.)

**Mr. President :** Having regard to the lateness of the hour, it would be preferable to adjourn the meeting now.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 3rd October, 1931.

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## LEGISLATIVE ASSEMBLY.

*Saturday, 3rd October, 1931.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### RETRENCHMENT IN THE HOME DEPARTMENT.

1148. **\*Bhagat Chandi Mal Gola :** (a) Will Government be pleased to lay on the table a statement showing the number and names of persons employed in the Home Department and its attached and subordinate offices who are on the verge of retirement, having put in nearly 29 or 30 years' service ?

(b) In view of the impending retrenchment, are the Government of India prepared to instruct the Home Department, as the administrative department, to consider the advisability of taking the initiative in retiring the above mentioned persons and employing men on lower scales of pay as their successors ? If not, why not ?

**The Honourable Sir James Crerar :** (a) I regret I am unable to supply the information.

(b) The question raises a matter of general policy affecting all Departments of the Government of India and not merely the Home Department. It will doubtless be considered on its merits along with other methods of retrenchment.

**Sardar Sant Singh :** Will the Honourable Member please translate it for the benefit of the person who put this question ? (Laughter.)

**Mr. Gaya Prasad Singh :** You know Persian—you can translate it \* (Addressing the Honourable the Home Member.)

**Kumar Gupteshwar Prasad Singh :** I think the Honourable Member has passed the departmental examination in the vernacular or in Hindi ?

**Mr. President :** Order, order.

#### RETRENCHMENT IN ACCOUNTS AND AUDIT OFFICES IN BENGAL.

1149. **\*Mr. S. C. Mitra :** (a) Is it not a fact that the Auditor General in his letter No. 1474-E.441-A-25, dated 26th March, 1926, to the Accountant General, Bengal, ordered that the temporary assistants in the Experimental Accounts and Audit Offices should be borne on the cadre of the Accountant General, Bengal ? If so, what action, if any, was taken on the letter ? If not, why not ?

(b) Is it not a fact that the same orders were re-iterated in para. (3) of the Auditor General's letter No. 736-N.G.E.344-30, dated 21st April, 1931, in which he laid down that these men should be considered for confirmation in the office of the Accountant General, Bengal, in exactly the

same way as the temporary men working in the said office ? Was any action taken on this letter ? If not, why not ?

(c) Are Government aware that due to the fact that the circular letter No. 1474-E.441-A.-25, dated 26th March, 1926, of the Auditor General was not given effect to by the Accountant General, Bengal, clerks of much longer services in the Experimental Offices are still styled as quasi-permanent or temporary, while much junior men in the Accountant General's Office have been made permanent ?

(d) Is it a fact that at the time of some retrenchment in the office of the Accountant General, Bengal, a junior man of the Experimental Accounts Offices was discharged to provide for a senior man from the Accountant General, Bengal's Office ? If so, do Government consider the clerks in both the Accountant General, Bengal's Office and in the Experimental Accounts and Audit Offices, in the same cadre ?

(e) Will Government please state whether at the time of present retrenchment, the clerks of both the Accountant General, Bengal's Office and the Experimental Accounts and Audit Offices in Calcutta will be treated on the same level, and length of service will be treated as the criterion for discharge, irrespective of their being permanent, quasi-permanent, or temporary ?

**The Honourable Sir George Schuster :** Enquiry is being made and a reply will be sent to the Honourable Member in due course.

### SHORT NOTICE QUESTIONS AND ANSWERS.

#### INVESTMENT OF PROVIDENT FUNDS IN SINGLE PAYMENT STERLING INSURANCE POLICIES.

**Mr. S. C. Mitra :** (a) Is it a fact that Government officials are withdrawing large amounts from the Provident Fund and utilising these amounts for purchasing single payment life insurance policies ?

(b) If reply to part (a) be in the affirmative, will Government please state how they are treating these transactions for the purpose of sale of sterling and whether such transactions are being treated as those for genuine trade or domestic purposes ?

(c) Is it a fact that when the exchange situation offered similar scope in the past this very method of buying sterling was adopted by officials ?

**The Honourable Sir George Schuster :** (a) This part of the Honourable Member's question apparently refers only to the present or I presume to the short period which has elapsed since the promulgation last Thursday of Ordinance No. VII. So far as this period is concerned, I can tell the Honourable Member that, according to my information, there has not been any occasion on which the facilities which Government as currency authority now offers for the sale of sterling have been applied for to Government on behalf of officials for the purpose referred to in the question.

(b) The question contained in part (b) has not therefore, so far as Government are aware, yet arisen.

(c) I do not quite understand this part of the question. There has not been any period in the past when the conditions applicable to it were in force.

**Mr. B. Das :** May I inquire if such withdrawals as are referred to in part (a) of the question come to a very heavy amount per annum ?

**The Honourable Sir George Schuster :** I have already, in answer to the question, stated that since the 21st September, there have been no applications of this kind dealt with by Government.

**Mr. B. Das :** May I inquire of the Honourable Member as to what is the normal annual sum of withdrawal previous to the 21st of this month by Government officials for the purpose of purchasing such single-payment life policies ?

**The Honourable Sir George Schuster :** I am afraid I have no statistics on that question.

#### EXPORT OF GOLD FROM INDIA.

**Mr. R. K. Shanmukham Chetty :** Sir, with your permission, I would like to ask a short notice question.

Will Government be pleased to state :

- (a) the total value of gold bullion exported by means of private export from India since 21st September, 1931 ;
- (b) whether Government propose to prohibit the private export of gold from this country ; and
- (c) whether Government as currency authority propose to buy gold at a rate which will be approximately in parity with the sterling-dollar exchange.

**The Honourable Sir George Schuster :** Sir, according to my information, the value of gold exports up to Tuesday last was about 150 lakhs. I have not yet got returns from the Controller of Currency since Tuesday last, and any subsequent information which I have on the subject is contained in Press notices.

As regards parts (b) and (c) of the question, Government have the matter under their consideration ; and that I think is all that I can say at the moment.

**Mr. R. K. Shanmukham Chetty :** Sir, in view of the fact that evidently people who are exporting gold want currency, does not the Honourable Member think that this will be a good opportunity for the Government as currency authority to purchase gold more in accordance with the prevailing market rate and thereby take this opportunity of increasing their gold reserves ?

**The Honourable Sir George Schuster :** My Honourable friend is asking me a rather difficult question. Government naturally are reluctant to interfere with the ordinary operations of private trade. On the other hand, if Government purchased gold in present conditions, that would raise a very difficult question. Government are at present under an obligation to buy gold at a price which of course is entirely out of parity with the present price. I would like to know whether my Honourable friend considers that it is against the public interest that gold should be exported by private individuals at present.

**Mr. R. K. Shanmukham Chetty :** When the monetary gold available in the country goes out, I consider, Sir, that it would be wise on the

part of Government, especially when their gold reserves are very small, to take that opportunity to purchase gold and increase their gold reserves. Incidentally, this will result in the expansion of currency very much indeed for trade purposes.

**Mr. Arthur Moore :** May I ask.....

**Mr. President :** Let Mr. Chetty's question be answered first, Mr. Moore.

**The Honourable Sir George Schuster :** I think my Honourable friend hardly asked a question ; but in answer to his remarks, all I can say is that I shall give the fullest consideration to the argument he has put forward.

**Mr. R. K. Shanmukham Chetty :** I did not put it in the form of a question, but I was merely replying to a question which the Honourable Member himself put to me.

**Mr. Arthur Moore :** May I ask, Sir, whether the Honourable the Finance Member is considering the possibility of an embargo upon the export of gold, in order to prevent this heavy export of gold by private persons ?

**The Honourable Sir George Schuster :** I think I have dealt with that 'as far as I was able to deal with it at the present moment, in answering the original question. I said that the Government have the whole matter under their consideration, but that it raises very difficult issues.

**Sir Hari Singh Gour :** Did not Government have this matter under their consideration before the issue of Ordinance No. VII ?

**The Honourable Sir George Schuster :** It was one of the points which we naturally did consider.

**Sir Hari Singh Gour :** With what results, Sir ? Have they been as expected ?

**The Honourable Sir George Schuster :** With the result, that we decided that we had better wait and see !

**Mr. B. Das :** Has not the Honourable Member received representations from the various Merchants' Chambers urging him to take this opportunity of expanding his currency in order to stop the export of gold ?

**The Honourable Sir George Schuster :** I have received certain representations from various Indian Merchants' Chambers ; and as a very prominent member of the Federation of Indian Chambers of Commerce has, according to the Press reports, been himself the largest exporter of gold, I am prepared to suggest to them that they might perhaps themselves take some action in the matter. (Hear, hear.)

**Mr. B. Das :** Is it not a fact that that prominent member of the Federation is also a business man and from a business point of view he has to handle any business that brings in profit ?

**The Honourable Sir George Schuster :** I quite agree with my Honourable friend that in the life of a business man his motives as a business man and as an Indian patriot may often come into conflict. (Laughter.)

**Mr. B. Das :** Is it not a fact that England has passed an embargo on the export of gold and should we not follow the same practice in India ?

**The Honourable Sir George Schuster :** As far as I am aware England has passed no embargo on the export of gold.

**Mr. E. K. Shanmukham Chetty :** As my Honourable friend suggests that there is such a big difference between the price of gold at which the currency authority will purchase it and the market rate, and also a difference between the price of gold in India and the price of gold in other countries, will the efforts on the part of an unofficial body like the Federation have such effects as control by Government in placing an embargo on gold ?

**The Honourable Sir George Schuster :** I am not suggesting that any individual action can have the same effect as an embargo by the Government on the export of gold. But an embargo by the Government on the export of gold is a very drastic measure and requires very careful consideration before Government can adopt it.

#### THE INDIAN PRESS (EMERGENCY POWERS) BILL—*contd.*

**The Honourable Sir James Crerar (Home Member) :** Sir, I move that the Press Bill, as amended, be passed.

**Sir Hari Singh Gour (Central Provinces, Hindi Divisions : Non-Muhammadan) :** Sir, I know that what I am going to say will not have the slightest effect upon Government, who have carried clause after clause yesterday and the day before by their ruthless majority, in spite of the criticisms of the Members of the Opposition. Sir, this is one of the Bills upon which the public at large have expressed their views in no uncertain terms and it is one of those Bills in which five Members of the Opposition serving on the Select Committee had recorded their respectful but emphatic protest against certain clauses which they thought required amendment. The other day I pointed out to the House that those clauses were of the very essence of the Bill, and amendments were necessary for the purpose of safeguarding the Press and public rights. In spite of our appeal to the Honourable the Home Member and to those who sit behind him, we were not able to force to a successful division any of the clauses. The fact remains that the Bill as it emerged from the Select Committee, in spite of its numerous defects, is about to become law and we sitting on this side of the House, though few in numbers and on the eve of a dissolution of the Assembly, shall be failing in the discharge of our duty as the spokesmen and representatives of the public if we allow this motion to pass without a protest. I know, Sir, it is now too late to ask the Honourable the Home Member to reconsider his decision, and even if we were not too late, I know his mentality and it would be futile to ask him to once more exercise his reason in the interests of the public, in the interests of the Press, and indeed in the interests of the established Government itself. For what has been the result of this Bill and what would be the result of this Bill ? The dissentient Members pointed out that the most operative clause, clause 4, was extremely defective in its wording and Honourable Members pointed out that sub-clause (b) of clause 4 was so largely worded that it would neutralise in many cases the effect of the dominant clause (a).

[Sir Hari Singh Gour.]

Honourable Members will remember that that clause punishes a person who :

“ directly or indirectly expresses approval.....of any person who has committed or is alleged or represented to have committed any such offence.”

Sir, I can visualise to myself the case of a soldier of the Crown who by his gallantry on the battle-field has, let us say, earned the well-coveted decoration of the Victoria Cross. In a moment of misguided frenzy he commits a murder. The Press says that this man has committed a murder and is, therefore, likely to suffer the penalty of the law, but at the same time it must be remembered that he was a man who had served his country and the Crown by his services on the battle-field. That statement unconnected with the murder, recounting a mere statement of fact would be exposed to the penalty of sub-clause (b) of clause 4 (1). I am quite aware of the explanation that has been added to clause 4, but as Honourable Members have pointed out, that explanation is shorn of its effect by the last words, which lay down that even a work of literary or historical importance may be exposed to the penalty of the section if it has the tendency described in clause (a). Sir, the Honourable the Home Member remembers that in the well known works of the greatest poet in the English language, we have plays like Julius Caesar and Macbeth and we have the statement of Brutus who justifies the murder of Julius Caesar on the ground of public necessity. That statement, Sir, and the whole play of Julius Caesar would be exposed to the penalty of this section. . . . .

**The Honourable Sir James Orerar :** Including Mark Antony's speech ?

**Sir Hari Singh Gour :** Sir, it will be left to the tender mercies of the Home Member to exempt the passage of Mark Antony if he wishes, but the whole play would come under the provisions of clause 4 and the explanation because it has a distinct tendency to counsel the murder of tyrannical rulers. Take the case of Macbeth and the statement of Lady Macbeth. That play itself would come under the provisions of this clause under this explanation. I am quite sure that in his multifarious preoccupations the Honourable the Home Member must be occasionally casting a glance at that classical work by Thomas Carlyle on the French Revolution. I recall to him the statement contained in that work on the storming of the Bastille and what a vivid passage occurs there :

“ Oh sons and friends of France, lovers of liberty, you by your blood and by your steel prepare the dawn for the liberation of your country ! ”

That, Sir, would be one of the most obnoxious classical works having a tendency to tell the people of France, and through the people of France the people of the world at large, that if you wish to end tyranny it can only be by applying the doctrine of blood and iron. That is what Thomas Carlyle in his History of the French Revolution so vividly depicts. Sir, all these works, the greatest classics in the English language, would come under the provisions of this clause which is, I submit, so largely worded that it is entirely left to the executive to say as to what shall be printed and what shall not be printed. Sir, I am sure that if the Honourable the Home Member had left the decision of this question to the free vote of the House, if he has said that this is a highly controversial Bill brought at almost the close of the Session and that it will affect a very large body of the public, namely the Press and through them the public at large, I am quite sure that the result would have been very different. Because I

see before me Honourable Members who are pledged to support the Government. But if they were free to vote according to their conscience, they would have hesitated in doing so and I am sure my Honourable friend, Sir Lancelot Graham, would have been the most vocal in exclaiming, following the example of his half namesake, Launcelot Gabbro, "Certainly my conscience will serve me to run away from this clause, my master". (Laughter.) But, Sir, disciplined as they are under the crack of the whip, it is not for them to reason why but to march blind-fold to the lobby that the Honourable Member may point to them, and therefore, I say that the Honourable the Home Member cannot congratulate himself upon his achievement in placing this reactionary measure upon the Statute-book. Whatever may be the view of the Honourable the Home Member, we as representatives of the people have no duty but to assist the Government so far as the Government were right and to oppose them when it is found that they were wrong. Because we feel that the necessity for a measure of this kind had been made out, we immediately and willingly served on the Select Committee and there we gave our unfettered opinion as to what we considered to be necessary for the purpose immediately in hand. We were defeated in the Select Committee and we have been defeated in the open House. But we have one satisfaction, that whatever may be the result of this Bill, Honourable Members on this side are unanimous in supporting the dissentient view of their representatives and of the country. Sir, if it were the only clause, it would be a serious blot upon the Bill. But there are other clauses equally obnoxious to the plain provisions of the Statute law both in England and in this country. I do not wish at this late hour to tire the House by referring in greater detail to those clauses, but I cannot help feeling that the amount of security that is demanded from the keepers and publishers of these petty presses, who are the main offenders, if not the sole offenders, according to the view of the Government, is not only excessive but even prohibitive. Presses worth Rs. 100 or 200 or 300 may be called upon to deposit a security to the tune of Rs. 10,000. Sir, it would have been kindness indeed if the Honourable the Home Member had retained the clause regarding forfeiture. Forfeiture in that case would have implied forfeiture of small presses, perhaps a small lithographic press, which a man is able to put in a gunny bag and carry upon his shoulders. But that has not been the case. The substitution of fine or security has been out of all proportion to the value of the press.

Sir, dealing with the powers of the High Court, I pointed out at very great length that the power that is given to the High Court in the Bill in many cases would be illusory. The High Courts in India constituted as they are, are the custodians of the people's rights and liberties, and with all their defects, the people still look up to them as the palladium of the people since they stand at are expected to stand between the Government and the people when the Government go wrong and the people have a right to safeguard. But the power that has been given to the High Court of merely deciding as to whether the security was rightly demanded is a power which, I submit, would not be conducive to the ends of justice. For, the High Courts may find that while the security was rightly demanded, the amount of security is excessive. In that case, the High Court will be powerless to act. Sir, I am not despondent, because after what I have said in this House, I am quite sure that this clause of the Indian Legislature is likely to be challenged in a court of law because it contravenes section 107 of the Government of India Act and of the Letters Patent to



[Sir Hari Singh Gour.]

which I made reference the other day. Whatever you may do, if your power is *ultra vires*, whatever you may do if you have not expressly amended the Letters Patent, the powers of the Chartered High Court would remain unimpaired. That is my small consolation in referring to this clause.

There is one more point and it will be the last, illustrative of what I have got to say on the subject. The clause which condemns the press to forfeiture, takes no note of the fact that that press may be subject to *bonâ fide* encumbrances. Case after case occurs in this country in which a poor man either purchases a press on what is known as the hire purchase system or he mortgages the press in anticipation of starting it. In all these cases, the mortgagee or the encumbrancer knows nothing at all about the purpose to which that press might be put. There are cases now when you find that illustrated articles appear in the papers. The illustrations are taken from one press that specialises in producing illustrations. In such cases the language of the clause is so widely worded that both the presses are liable to come within the penalties of the Bill. I, therefore, submit that this is one of those clauses upon which the Government should have given way. In the Select Committee as I pointed out to this House, the question of *bonâ fide* encumbrancers was supported by the majority of the members, but the Honourable the Home Member would not accept the view of the majority. Whatever may be the case, we pressed upon the Government the desirability of doing this small justice to *bonâ fide* innocent encumbrancers and charge-holders. Even that appeal fell flat upon the Treasury Benches and why? If this Bill had been introduced in this House in the earlier part of the Session, instead of my going over to the Home Member and cajoling him to accept these clauses, you would have seen the spectacle of the Home Member coming over to me and cajoling me to accept some reasonable compromise. That.....

**The Honourable Sir James Orerar :** May I point out that the original Bill containing this provision was introduced on the very first day of the Session?

**Sir Hari Singh Gour :** The Honourable the Home Member reminds me of that unsavoury chapter in which he has taken so conspicuous a part. A Bill was introduced on the first day; a few days after, that Bill was gone and another Bill was introduced. What is the good of referring to the introduction of a Bill earlier in the Session? This House was never given an opportunity of criticising the Bill after it emerged from the Select Committee and by the time it came before this House from the Select Committee the Session was practically at an end. That, I submit, is the grievance of the Members of the Opposition. The majority of them finding that the work of the Simla Session was over and that highly controversial measures would be held over for the Delhi Session, left the place: others who had other engagements had to leave Simla, with the result that we see the few Members left to constitute the Opposition. That is our grievance. All I say is that the Honourable the Home Member has taken a mean advantage of the absence of a majority of Members of the Opposition: he should have held over this Bill.....

**Mr. Arthur Moore (Bengal : European) :** On a point of order, Sir, is the Honourable Member in order in saying that the Home Member has taken a mean advantage?

**Sir Hari Singh Gour :** I think the *Statesman* uses stronger language, even than that.

**Mr. President :** Stronger language may be used outside in the Press ; but that is no justification for using it in the Assembly. The phrase "mean advantage" is a very offensive expression and I will not allow it.

**Sir Hari Singh Gour :** I do not think the Honourable the Home Member himself objects : he thinks it is very common. If he objects I withdraw it.

**The Honourable Sir James Crerar :** It is not a common expression on this side of the House.

**Mr. President :** The Chair objects to that expression.

**Sir Hari Singh Gour :** All right, Sir. The Honourable the Home Member has taken undue advantage of the thinness of the Opposition.

**Mr. President :** The Honourable Member must withdraw the word "mean".

**Sir Hari Singh Gour :** I have withdrawn it, Sir. I say he has taken undue advantage of the thinness of this House, and the result is that he had a walk-over upon all clauses which we considered to be the most offending features of this Bill. It is useless to cry over spilt milk. The Bill is now going through, and within a few moments it will become law. But let not the occupants of the Treasury Benches go away with the impression that they have passed this measure with the concurrence of the elected representatives of this House. Let them go away with the solatium that if this Bill had come before this House earlier in the Session when contested and controversial questions were being agitated, this House would have fought these clauses inch by inch and prevented their entry into the Statute-book. That is the assurance we wish to give to the Honourable the Home Member. He may enact this measure ; he may impose it, but he will never find any support either from the Members of the Opposition or from the public outside who are watching the work of the Legislative Assembly. The other day the Honourable the Home Member was pleased to characterise this Assembly as having deteriorated into a debating society. I do not wish to retaliate.....

**The Honourable Sir James Crerar :** On a personal explanation, Sir. If the Honourable gentleman will refer to what I said on the occasion, he will find that his interpretation of what I said is entirely incorrect. All I said on that occasion was that the speeches of some Honourable Members opposite might indicate that they were taking part in a debating society instead of in a Legislative Assembly.

**Sir Hari Singh Gour :** I leave the Members of the House to draw their own conclusions as to the effect of the language used by the Honourable the Home Member. But judging from the pressure that has been brought to bear upon me from all sides of the elected portion of this House, judging from the indignation which was felt by the Members on this side of the House when the Honourable the Home Member used the expression which he said he did—he also characterised the arguments of some Members on this side of the House as absurd and ridiculous—that I submit is the position into which this House has been brought and had to submit because this Bill was taken towards the fag end of the session. If these expressions had been used when the House was in full force, this House

[Sir Hari Singh Gour.]

would have known how to vindicate its rights and its privileges. That time has gone.....

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural) : Do it during the Finance Bill.

**Sir Hari Singh Gour** : My friend tells me "Do it during the Finance Bill". That would not be the occasion to do it. This is the occasion, when the Press Bill is under discussion ; and as soon as the Press Bill is passed we forget and forgive the Members of the Treasury Benches for what they have done and for what they have accomplished. (Applause.)

**Mr. Amar Nath Dutt** : We can forgive but cannot forget.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to register my protest against the passing of this double-faced measure in as few words as possible. I call it a double-faced measure because it professes to be one thing while its provisions are something very different. It professes in the title and preamble to be a Bill to control writings which incite to crimes of violence and murder ; while if you examine the provisions of the Bill, as we have examined it on this side of the House, you will find that it is perfectly clear that what the Government aim at and what they have secured is control of the entire Press of the country. Clause 3 gives them that control and the wide powers vested in the executive Government emphasise that control. But that is not the title and preamble of the Bill. It is a deceptive measure and on that ground alone we are entitled to enter our emphatic protest against it. We all know that the Press in this country is divided into two sections. One which is conducted by the Anglo-Indian community mainly to support Government, and the other I claim represents true Indian public opinion. When you vest the control of the Press in the Government so that it is to find whether certain sections of the Press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the Press which criticises its measures and it will not apply those provisions to that section of the Press which carries on propaganda in favour of Government.....

**Mr. Arthur Moore** : When you were in the Bengal Government, you controlled the Press ?

**Sir Abdur Rahim** : I had nothing to do with the Press. Certain friends on this side have pointed out that there is a paper which calls itself as the friend of India, but which repeatedly acts against India's interest.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Save us from such friends.

**Sir Abdur Rahim** : That paper, I understand, is represented by my Honourable friend, the Leader of the European Group here. Sir, I take no objection to that. I think if my friends on this side of the House knew the mentality of what is called the European Group, they would realise at once that there is a distinction between being a friend of India and being a friend of the Indian people. Sir, that paper pretends to be the friend of India. That does not mean that it is a friend of the Indian people.

India, we know, is the property and possession of Britain, and so in that sense an Anglo-Indian paper can always say, "We are befriending our own possession", but that is a very different proposition from befriending the people of India. As regards this European Group, I should like to challenge the very name of this group. Do they represent here France, Germany, Poland, Russia or do they represent here Britain? Why then this false name? Why do they claim to represent Europeans? If they said that they represented Britain, if they said that they represented England, Wales and Scotland or Ireland or South Africa....

**Mr. John Tait** (Burma : European) : On a point of order, Sir. Has what the Honourable gentleman says about the European Group got anything to do with the Press Bill?

**Sir Abdur Rahim** : It only requires very little judgment to find out the connection. I do not know for whose benefit this misnomer has been adopted. Is it for the benefit of Europeans or for the benefit of Indians? Surely the Europeans generally are not deceived; they know they have no interest in India. Then why this assumption of a false title on the part of my friends who sit on the other side?

Sir, a great deal has been said about the way the Government secure their majority. They know that very well. They have their own block, the solid official block, the silent block, which is carried along with them wherever they go. They have then a certain number of men, gentlemen who are extremely anxious, much too anxious to assume the responsibility of office. They see visions every day of the mantle of some office falling on their shoulders. Is it then very difficult for the Government to carry such people with them? Most certainly not.

Then, Sir, as regards the manner in which the Honourable the Home Member has conducted the Bill through this House, I must say once again that it has left a very bitter taste in our mouth. He has not improved either his own position or that of his Government. Sir, the Bill will be passed in a few moments, but I can assure the Honourable the Home Member that the Bill as it has emerged now, will never be acceptable to the country. There will be a chorus of protests throughout the land, because the Bill goes far beyond its object and scope. The Government had no business to widen its scope in the effective provisions of the Bill, and that is exactly what has been done. They have also tried to stifle absolutely certain branches of the business of printing. We have asked them repeatedly, and none of them could justify that provision, why those printing presses which have not offended against clause 4 of the Bill should be called upon to furnish security, why there should be forfeiture without a proper inquiry. Here is a Bill which cannot be justified from any point of view. I could justify under certain circumstances executive measures pure and simple for purposes like these, but not a measure of this mixed character. You know, Sir, there is a dish known in India called *kitchri*. That is exactly the sort of Bill which has been introduced and which is going to be passed in this House.

**Mr. Arthur Moore** : Sir, the Honourable Member who just sat down challenged the title of this group. I do not propose to follow his example, because I think that the Honourable the Leader of the Independent Party has chosen the title of his party very well. He in particular is extremely independent. He is independent of all the trammels and restraints that would fetter most men who had held the positions in public life that he

[Mr. Arthur Moore.]

has held. The Honourable Member has been a Judge of the High Court ; he has been a Member of the Bengal Government.....

**Sir Abdur Rahim :** But not a slave. (Applause.)

**Mr. Arthur Moore :** He was a member of the Bengal Government. I have never accused any Member of the Bengal Government of being a slave, and my Honourable friend was a Member of the Bengal Government when they introduced a far more sweeping Ordinance than any that exists at present, one extremely rigorous in character. Then my friend used very different language. He attacks what he calls the Anglo-Indian Press, and what is the head and front of the offending of the Anglo-Indian Press ? It has not changed its attitude towards Indian aspirations. He did not complain of its support when he was a Member of the Government. But now the whole head and front of its offence is that it attacks violence, for otherwise that Press stands exactly where it stood.

**Sir Abdur Rahim :** No doubt about it. (Laughter from the Nationalist Benches.)

**Mr. Arthur Moore :** It is now taking a definite stand against the outbreak of terrorism in this country and in the Honourable Member's own province, and he comes to this House and uses language of that character. Sir, I think that opposition to the Bill, which is based upon such specious pleas, should not be treated very seriously. As regards the remarks that were let fall by the Leader of the Nationalist Party, I cannot help saying that I have never seen a more elaborate and artificial attempt to manufacture a grievance. What are the facts, which are perfectly well known to the Honourable Member opposite ? The Bill was introduced at the very beginning of this Session..... (*Sir Hari Singh Gour :* " This Bill ? ") That is my Honourable friend's point. He wishes to take advantage of the mistake of the Assembly Department to manufacture a grievance. He knows perfectly well that the Bill was introduced at the beginning of this Session,—this Bill before it was revised by the Select Committee. The Bill was revised by the Select Committee at the earliest opportunity after full debate, and the Bill as revised by the Select Committee was before this House for over a week before it came up for discussion. I may have been wrong, but I understand that he agreed with the procedure that was finally adopted in order to obviate that mistake ; and I do not think that my Honourable friend is justified at this stage in making that a grievance or in pretending that this Bill has not had the very fullest discussion in this House.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : The Honourable the Home Member the other day compared some of the speakers on this side to amateurish debaters and he was reminded almost of an amateur debating society on this side of the House. It is mainly the fault of the Montagu-Chelmsford constitution that this side of the House has no more power than to debate, and it is because it is deprived of the power to carry on the administration of the country even if it happens to be in a majority that this side of the House is not adequately represented to-day in this debate. Wise men on this side thought that silence would be golden, and therefore, they did not want to indulge in silvery words of opposition. Sir, I believe we do not take our stand on the fact that the opposition on this side has

not represented its strength on the floor of the House as it should have done on this Bill and in this debate. I am willing to concede that the Government introduced this measure at the very beginning of the Session. I am willing to go further and say that they introduced the measure at the Delhi Session. I agree with the Honourable the Leader of the European Group that we are not here to take advantage of an unfortunate mistake, which is not the mistake of the Assembly Department alone (Hear, hear). My Honourable friend, Mr. Amar Nath Dutt, remarks that it is a mistake of the Select Committee..... (Mr. Amar Nath Dutt : "Of the Chairman of the Select Committee")... and he says of the Chairman of the Select Committee, Mr. Arthur Moore. I say it is a mistake of every one of us present in this House (Mr. Gaya Prasad Singh : "No, no"). My Honourable friend, Mr. Gaya Prasad Singh says, "No, no". I say, "Yes", because the Gazette is supplied to us and we are supposed to have read the Gazette and we are supposed to have seen the thing and brought it to the notice of the Government then and there for the issue of a correction in the matter. Therefore, every one of us is to blame (Mr. B. Das : "Including the Government"),—including the Government of course, because the Assembly Department is part of the Government... (Mr. B. Das : "Why did not the Honourable the Home Member read, and why did not Sir Lancelot Graham read, the Gazette?") Yes, Sir, Sir Lancelot Graham is as guilty as myself in this matter, and the Honourable the Home Member is as guilty as my Honourable friend, Mr. B. Das. (Laughter.) All of us are guilty in this respect, and the less the fault of the Assembly Department is mentioned in this House the better. I see because of this mistake the *Statesman* of Calcutta through its special representative has already had a fling at the Assembly Department, which was unworthy of the *Statesman*, especially as the Editor of the *Statesman* happens to be the Leader of the European Group and the representative of the *Statesman* happens to enjoy in the Press gallery the hospitality conceded to him by the head of the Assembly Department....

**Mr. Arthur Moore :** On a point of order, Sir. Is the Honourable Member justified in making allegations of this kind which cannot be refuted on the floor of the House ?

**Mr. C. S. Ranga Iyer :** I am going to prove it presently. My justification is this. The *Statesman* of Calcutta-Delhi three days ago published a statement that, because of the separation of the Assembly Department owing to Mr. Patel, therefore this mistake was committed (Cries of "Shame") ; otherwise it would not have been committed. (Cries of "Shame".) And Mr. Arthur Moore does not read his own newspaper. It is time he read his own paper and prevented it from indulging in such mischief. I did not want to rub it in. I was very polite, but the Honourable gentleman had the audacity to rise on a point of order, forgetting the mischief that his own paper had perpetrated.

Sir, I would follow the example of my Honourable friend, Sir Lancelot Graham, who on that occasion when the matter was brought to the notice of the House, and said with a sincerity and sportsmanship for which I have known him ever since I entered this Assembly, and very rightly said, that as Secretary of the Legislative Department he sympathised with the Secretary of the Assembly Department. I wish that that point of mistake had not been made in the course of the debate, and I for my own part would treat this Bill as one that was introduced at the beginning

[Mr. C. S. Ranga Iyer.]

of this Session, because as I have already said, it was only a very unfortunate error which could not be helped.

Sir, the Honourable the Leader of the European Group, while levelling his attack against our esteemed friend, the Leader of the Independent Group, said that his criticism of the attitude of the Anglo-Indian Press was not justified. It is justified by the fact that, long before this Bill was introduced, the Anglo-Indian Press carried on a raging, tearing campaign asking for the introduction of a Bill of this kind, and, but for the support that the Government had received from the Anglo-Indian Press, they might have not been perhaps in the same hurry to introduce the Bill which they introduced in this House, and, but for the work that we did in the Select Committee, the Bill would not have been so radically altered as it has been. If the Anglo-Indian Press and their representatives had their own way in the matter, judging from their writings in the newspapers and their speeches on the floor of this House when the Bill was first introduced—if they had had their own way in the matter, this Bill would not have been altered as it has been altered. Sir, the Honourable the Leader of the European Group said, and very rightly said, that the Anglo-Indian Press stands to-day where it stood, say 150 years or 100 years ago. ....

**Mr. Arthur Moore :** I said nothing of the kind.

**Mr. C. S. Ranga Iyer :** The Honourable gentleman was trying to interrupt me in the middle of the sentence, and therefore, I must repeat what he said. He said that the Anglo-Indian Press stands where it stood, I say 100 years ago, opposed to terrorism. So, are we opposed to terrorism. He said the Anglo-Indian Press do not want terrorism, and if by that he insinuated—I hope he did not insinuate that we were in favour of terrorism, he is only misrepresenting us as the Anglo-Indian Press has been endeavouring to misrepresent the Opposition on this side of the House. We are opposed to terrorism and if we do not support this measure, it is because we are convinced that it will not be wholly directed merely to newspapers which encourage terrorism or adore the terrorist for there are grievous defects, very serious defects in this Bill. It was not adequately dealt with in this House. The clause relating to violence was quite unnecessary for the purpose of this Bill, for we are only concerned with terrorism and the terrorist and if I had been convinced that this Bill as it stands to-day would not be abused, I would at any rate have thought it my duty to support this Bill, if I could at the same time be convinced that the passing of this Bill would stamp out terrorism. I am perfectly convinced that this Bill will leave the terrorist untouched. The very fact that all over the country responsible newspapers have been suspending publication of the paper for one day as a mark of protest at the passing of this measure ought to convince the Honourable the Home Member and the European Group that the passing of this Bill is resented by responsible organs of constitutional agitation.

Sir, I must now turn my attention to the Honourable the Home Member. Throughout this debate, I regret that the Honourable the Home Member did not accept even one or two of our important amendments because he considered that they were so vital to the Bill, amendments such as the asking of a double security from the printer and the publisher, when the printer and the publisher happened to be one and the same,

amendments such as putting the old press and the new press on the same footing, amendments in respect of demanding an advance security from the new press should the Magistrate think that such a security should be demanded. If in these two matters he had agreed, we might not have pressed so much the judicialising of the procedure. I knew it was more difficult for him to accept the motion relating to the judicialising of the procedure. If the Honourable the Home Member had only some imagination, if he had only thought what a tremendous weapon the Press would be on his side if he had judicialised the procedure, I am sure he would not have taken up an attitude which he in his responsibility to his executive in this country, thought proper to take up.

Sir, the other day the Honourable the Law Member in his very powerful advocacy of the Government cause said that he would be a better supporter of the Press than myself on this side of the House and he thought that the Press exercised much greater influence in the country than I thought it did. Sir, I differ from the Honourable the Law Member, and at this final stage of this Bill, I repeat my difference with his judgment in this matter and with the pronouncement that he made on the floor of this House. When the Law Member and I differ what are we to do? We can only appeal to one of his predecessors in office, a distinguished predecessor, nearly as brilliant and almost as competent. I refer to Sir Tej Bahadur Sapru who presided over the Press Laws Committee. Sir Tej Bahadur Sapru and his Committee made the following observations which I have since discovered and I think they are in agreement with me more than the Law Member. They say :

“ We believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the Press and no press law can be effective for the repression of such activities. In our opinion therefore it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it has been both futile and irritating.”

And what, Sir, was the purpose of that Act? If only the Honourable the Law Member reads the speech of a distinguished predecessor of his, a great man whom the whole country held in adoration in his day, I refer to Lord Sinha who was an honour to the profession to which the Honourable the Law Member has the honour to belong, he would find that the principal purpose of that Act was nothing short of this—to stop terrorism in the country. Lord Sinha then said in his speech in the old Imperial Legislative Council that the principal purpose of the Press Bill was to cut off the fuel that fed terrorism. It is in the same strain that the Honourable the Law Member and the Honourable the Home Member have spoken throughout this debate. Their purpose is to stop the newspaper Press, should it be inclined to support terrorism and to adore the terrorist. When this Bill is passed, they will find that terrorism will not be affected by it at all and if the Magistrates are so inclined, they will follow a policy of using this measure to suppress the legitimate and healthy activities of the civil disobedience Press.

I hope that the Honourable the Home Member, now that he is in sight of victory, will not abuse the fruits of his victory and that the Government of India will issue instructions to Local Governments to see to it that this Bill is not in any way applied to any of the newspapers which carry on a policy of *bonâ fide* civil disobedience or constitutional



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agitation. That instruction must be definitely issued to Local Governments in view of the misuse and abuse of the old Press Act. It was said of Hannibal that he knew how to gain a victory, but not how to use it. Let it not be said of the Honourable the Home Member, now that he is in sight of victory, that after achieving victory, he did not know how to use it, and that instead of getting the constitutionalists on his side, he forced them to go to the other side of the fence. I hope the Home Member will be inclined to take this advice of mine.

Lastly, Napoleon once said "four hostile newspapers are more to be feared than a thousand bayonets". It is the Napoleonic view that the Honourable the Law Member took the other day, but I would while admitting that the Press was the Archimedean Lever which moved the world, while it had great strength, it was occasionally inclined to abuse its strength. Still there is greater strength on the part of the Government, now that this Bill vests authority in the Government and it becomes the duty of the Government to see to it that while the Press Act gives them the strength of a giant, they do not abuse it like a giant. With these words I once again appeal to the Honourable the Home Member to see to it that this Bill does not create mischief which the Government will have to deplore. I may also say incidentally that we on this side of the House propose to take every step in future to see that this Bill is repealed or at any rate sufficiently modified, and I do hope that Honourable Members on this side of the House will take the earliest opportunity of introducing a repealing measure in the Legislative Assembly when it meets at Delhi (Applause). Sir, lastly, I am reminded, though in a contrary sense, of an old saying of a fellow-countryman of the Honourable the Home Member. "The Scots wear short patience and long daggers." On the other hand, the Honourable the Home Member has shown himself to have a long patience, beginning from the Delhi Session, and a short dagger—the one dagger that went home to this side of the House and which drew forth many a long dagger from this side. Sir, I would like to compare this Assembly to something like a tennis court, in which it is the duty of the Opposition to hit the Government as hard as it can, and it is the duty of the Government to return the ball with the same vigour. Incidentally, we develop the sporting habit. (Applause.)

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I need congratulate myself that after all I have succeeded in catching the eye of the Chair towards the end of this Session.....

**Mr. President** : I should like to ask the Honourable Member whether he wishes to insinuate that the Chair deliberately did not see him earlier in the Session ?

**Sir Muhammad Yakub** : Nothing of the sort, Sir, but the next sentence which I wanted to utter would have cleared the situation ; I was just going to say that I need not however make it a cause of complaint when I find that I have got my seat at the farthest end of this big hall. Sir, after the Bill has been discussed for so many days and after all the arguments in favour of and against the Bill have been exhausted, it would be very difficult for me to contribute fresh arguments on the subject. Sir, I am prepared to concede that the Bill under discussion is bound to place some control on the freedom of the Press. But, Sir, all the laws in this

world, whether religious or secular, are meant to control the actions of human beings. My religious laws restrict the liberty of my actions. The Bible restricts the liberty of action of Christians. The Vedas control the liberty of action of the Hindus, and other religious books of those who follow them. In the same way the secular laws control other actions and liberty of the people.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : What about the quotation from the Bhagavad-Gita already cited ?

**Sir Muhammad Yakub** : Yes, the Bhagavad-Gita does restrict the liberty of those who believe in it, but not of unbelievers like my friend, Mr. K. Ahmed, who does not believe in anything, religious or secular, and who has no decorum or decency.

**Mr. K. Ahmed** : That is rather irrelevant.

**Mr. Amar Nath Dutt** : Sir, I submit that no Member should indulge in such personal remarks against an Honourable Member who has been in this House as long as he has been, and who is a member of the Calcutta Bar !

**Mr. K. Ahmed** : Yes, I am much older than he in the Assembly, in experience and he does not know that ; nor has he the experience and knowledge of Parliamentary etiquette, though he was President for only a week !

**Mr. President** : Order, order.

**Sir Muhammad Yakub** : Sir, it would be better if I ignored my Honourable friend's remarks altogether, and treated them with the contempt they deserve. (Hear, hear.) I will now proceed with my speech. I was saying, Sir, that all the laws in this world are meant to control the liberty of action of human beings, and it is quite clear that unrestricted liberty is not conducive to the well-being of mankind, and no form of government in any country and no civilization can endure and prosper until some restrictions are placed on the illegitimate liberty of the people. I am fully satisfied, Sir, that the writings in some of the irresponsible journals have to a great extent contributed to the encouragement of assassinations and murderous assaults which have assumed very alarming dimensions during the last 12 months. Not only the material which has been supplied to us by the Government, in which only very extreme cases have been mentioned, but a perusal of other papers, both vernacular and English, will go to prove that these murderous assaults have received certainly a great deal of encouragement from these papers. Sir, do we not see every day that murderers are described as martyrs and saviours of their country ? (*An Honourable Member* : "Some are".) Do we not see that their photos are put in papers like the photos of heroes and leaders of people ? Do we not know that *hartals* are preached and observed on the days of their execution and processions are carried in the bazaars ? Well, all this propaganda, is carried on through the Press, certainly it encourages sensitive youths and creates a desire in their minds to become saviours of their country in this way. If this is so, then something ought to be done to stop this sort of propaganda. I am prepared to admit that the measure under discussion will not succeed in eradicating the evil of communism from this country. But there are certain other laws, and probably we will have to adopt more drastic measures, in order to eradicate the

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evil. However, the present enactment will certainly control the encouraging impetus which is given by certain irresponsible papers to the commission of these crimes.

Sir, I say that the Bill in the form in which it appears before the House now, is greatly improved. All those features and provisions which were calculated to bring extra hardship upon moderate papers have been removed. (*An Honourable Member* : "Not all".) The preamble of the Bill has been changed. The indefinite provisions of clause 4 have been restricted. The duration of the Bill has also been curtailed ; and with all these improvements, I do not think this Bill, when placed on the Statute-book, will bring extra hardship on the moderate journals and presses in the country. Sir, I am as keen on the preservation of the liberty of the Press as any other Honourable Member on the opposite side (Laughter from some Non-Official Benches), and I think that the liberty of the Press is very useful for the creation of a healthy opinion in the country (Hear, hear) ; but when liberty is misused, whether by the Press or by the people, it becomes a menace to mankind and a source of destruction of society : and therefore, it is necessary that some restriction should be placed on it when it is fully proved that liberty is being misused in certain directions. Sir, we are now on the threshold of responsible government, and it is therefore very desirable that the future executive of the country should be armed with all the weapons that would be necessary for the protection of the country's constitution. History tells us that after each change in the government of a country irresponsible people, irresponsible journalists, and irresponsible papers grow up and try to create chaos in the country, and therefore, it is just the proper time, as I said, when the future constitution of the country should be armed with weapons to stop these vagaries of irresponsible people.

Sir, I have finished what I had to say, but before I conclude, I should like to make two points more. One is that it has been frequently remarked by many Honourable Members that Government are taking advantage of the thinness of the House and that this Bill is being rushed through at the fag end of the session. On this question I should like to submit that the present session of the Assembly commenced on the 7th September and the Bill which, in a modified form, is now before the House was introduced on the very same day that this present session commenced. In fact, if I am not guilty of divulging any secrets, I may say that the Government took care to take the responsible Leaders of the House into their confidence even before this session of the Assembly commenced, and therefore, it is not right for the Honourable Members to say that this important measure was taken without giving them due notice. Then, on the same day that the Bill was introduced in this House, the Leader of the House indicated that on Friday, the 11th September, the motion to refer the Bill to Select Committee would be made. Then, on the 11th, two full days were spent in discussing the Bill before it was sent to Select Committee. After realising the importance of this measure, after knowing that this Bill would bring hardship to the Press in this country, there was no excuse for the Honourable Members who have left to leave the House and not to realise their sense of responsibility. They cannot afterwards say that the Bill has been brought at the fag end of the session or that sufficient notice was not given to the Members of the House that this important measure was coming

before the House. The meetings of the Assembly are convened only twice a year and if important measures are not brought up during the course of certain sessions, I do not think it would ever be possible for this Assembly to transact any important business.

The second point to which I should like to refer is that reference was made by Mr. Misra and some other Honourable Members about the executive in this country and it was said that the powers vested by this Bill would be exercised by the Magistrates in a reckless manner. Sir, we are all aware that the majority of the executive in this country consist of Indians, and if educated Indian Magistrates are liable to abuse their power in this way, as my friend, Mr. Misra and other Honourable Members think they do, then our claim for responsible government and self-government for this country falls to the ground.

**Mr. Gaya Prasad Singh :** They were condemning the system under which these Indian officers work, and not the officers themselves.

**Sir Muhammad Yakub :** No, they did not condemn the system ; they only said that this law will be abused. I would not have raised any objection if they had said that the law is defective. They did not condemn the system, but they said that the people who administer the law will abuse it. That is to say, they attack the educated Indian young men in whom the future hopes of the country lie, and I would like to lodge a strong protest against this wanton abuse of the educated people of the country who will in future govern this country to the credit of the Indians and everybody concerned. With these remarks and for these reasons I support the motion that the Bill be passed.

**Mr. President :** Mr. Mitra.

**Mr. K. Ahmed :** Sir, reference has been made to the Mahabharata, which was alluded to by the last speaker and my Honourable friend, Mr. Amar Nath Dutt....

**Sir Muhammad Yakub :** I never alluded to the Mahabharata or to anybody.

**Mr. K. Ahmed :** Mr. Amar Nath Dutt when he was speaking yesterday.....

**Mr. President :** The Honourable Member is now making a speech.

**Mr. K. Ahmed :** I am not doing anything of the kind which is not allowed.

**Mr. President :** The Honourable Member will get his turn, if he wishes to speak. I have called Mr. Mitra now.

**Mr. K. Ahmed :** Before he speaks, I have a right to make an explanation.

**Mr. President :** The Honourable Member cannot offer an explanation of a speech delivered some time ago. Mr. Amar Nath Dutt has not spoken yet.

**Mr. K. Ahmed :** The last speaker has spoken and I am entitled if you will allow me....

**Mr. President :** The Honourable Member can only rise to a point of order. What is the point of order ?

**Mr. K. Ahmed :** The point of order is this. It is the practice in Parliament and in this Assembly also that when the last speaker has made a reference.....

**Mr. President :** Order, order. The Honourable Member cannot take up the time of the House unless he raises a point of order. The way in which he has started does not indicate that he has any point of order. What is the point of order ?

**Mr. K. Ahmed :** The last speaker has made a reference to certain allusions made in the speech, to him, when it was mentioned to him what about certain extracts which were quoted last time by Mr. Amar Nath Dutt that he will go to heaven if he kills a man ; and the last speaker was not intelligent enough or probably he did not follow the interjection in spite of answering the question that it is not irreligious or that religion did not allow to say so, it was not right for Mr. Amar Nath Dutt.....

**Mr. President :** I cannot see that there is any point of order in the statement which the Honourable Member has made so far. I cannot allow the time of the House to be occupied in this way. Mr. Mitra.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I oppose the Bill, though I must say that, had it been the object of the Bill to suppress incitement to murder, I would have supported the principle of the Bill. Before I make my own arguments, I would like to meet two points that my Honourable friend, Sir Muhammad Yakub, has raised. He said that there was sufficient notice. I think my Honourable friend forgot that the notice from the Legislative Assembly Department said that the Session was to last till the 24th of September. Now, to-day we are on the 3rd of October. So I think he could not make much on that point.

**Sir Muhammad Yakub :** It was never said so. It was only a tentative programme.

**Mr. S. C. Mitra :** It may be for you. When the notice comes from the Assembly Department we can see only what is contained in it. As an *ex-President* you may have other information.

Then the other point was with regard to the Magistrates. His soft heart was very much aching for the Magistrates. My point is that if we say something, it is not against the persons. If we say something here against the Government, we do not mean that it is Sir James Crerar or Sir George Rainy. It is the bad system under which the bureaucracy is working, that we blame. It is against the principle that we fight. It may be a good and intelligent man like Sir Muhammad Yakub that may be the Magistrate. But he has to work under the existing system and that is what we are fighting against. The Indian National Congress has been fighting for the separation of judicial and executive functions and it has been accepted even by Government that it is a good principle. But yet Government could not see their way to give effect to that principle. We say that the executive orders should never take the place of judicial proceedings. If my Honourable friend has not realised it, after so many years of practice in the courts, I cannot help him.

Then, as regards the point raised by the Leader of the European Group, I very much agree with my Honourable friend, Mr. Ranga Iyer, that every Member is as much to blame. But if there is anybody who is

more to be blamed, I think it is our Honourable friend, Mr. Arthur Moore himself, because he was the President of the Select Committee and it was his bounden duty, as the President of the Select Committee to see whether proper publication was made in the Gazette.

**Mr. Arthur Moore :** On a point of personal explanation, may I say that I did not use the word imputed to me by Mr. Ranga Iyer. I did not say anything about the fault of the Assembly Department. I merely used the word which you used, that it was a mistake. We all recognise that it was merely a slip.

**Mr. S. C. Mitra :** I do not specially find fault with my Honourable friend. If anybody is to be blamed more, it is the Chairman of the Select Committee whose business it was to see that the proper publication has been made.

Then, I come to the points which I wish to raise. I admit that there is a frequency of these political assassinations, which it is the duty of the Government, whether it is an alien Government or a national Government, to stop. But you must make a proper diagnosis of the situation and apply the proper remedy. It is no use applying quack remedies when you cannot really destroy the root cause. You know that discontent has been prevailing in the country now for a long time. I admit that in writings in the Press there may be passages where you can see a lurking sympathy with these political assassinations. It is no use saying that these are misguided youths. I do not agree with Sir Muhammad Yakub in saying that they are all misguided youths.

**Sir Muhammad Yakub :** I never used the word "misguided". I said sensitive.

**Mr. S. C. Mitra :** My point is this. Some of these young men are graduates and really intelligent people. They are taking recourse to assassinations. It is a very serious thing to be seriously and calmly considered. It is not so much due to the ephemeral writing in the Press that these political assassinations are taking place. That was the main argument all along, that by passing this measure, Government will put an end to these things. But I do not think so. That was the reason why I said you are applying a false remedy by which you will not succeed in your object, while you will kill and suppress—as my Leader said—the liberty of the Press, the freedom of fair criticism and put an end to all enterprise in the printing business. It really requires a higher statesmanship to realise where the true defect in the body politic lies. India is no longer an inorganic State, people being unconscious of their political status. I may tell the Government that they cannot stop these things by these quack remedies. They are to look for a remedy for the real evil. I know that now Sir Samuel Hoare is at the helm of affairs, a Conservative Minister, and the Viceroy has declared himself to be a constitutional Viceroy. But I very much appreciate the position of a constitutional Viceroy when there is a responsible Ministry. But where the Ministry is irresponsible, as my friend, Mr. Ranga Iyer, styled it, I think the Viceroy also will have to see through these things and not rely entirely on the absolute tyrants that might be sitting on the Treasury Benches.

Then, as regards the principle, it has been said that killing itself is not always bad. If it had been bad, then why should there be so much praise of war and soldiers? Why should people recruit soldiers? They are

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not brought under this law for inciting to murder. The best fighter will perhaps get a Victoria Cross for killing the enemy. So killing by itself is not necessarily bad. The motive must be found out. I agree that in any Government these political assassinations cannot be allowed. But we have to find out the real remedies against all these evils. Enacting repressive measures one after another is no remedy, and I think, Sir Muhammad Yakub suggested more coercive measures still. By suppressing the feeling you will not kill the disease. As I was going through this typical collection made by Government, I see what Government are now aiming at. I shall actually read two or three passages if time permits. No body can say that there was nothing for admiration in the motive of these political assassins. If I remember right, in the old days in Bengal the public Press used to condemn these dastardly crimes. It was the *Pioneer* from Allahabad that first said that there was the other side of the shield also, namely the high motives that actuated these people. That is also a matter for consideration. I find even in the judgment of one of these cases, Justice Buckland refers to the motive of the crime and recommends Government to consider about the sentence. The remedy is not by repressive legislation, but by helping the Indians to attain full and complete Swaraj, and if you do that you really remove the causes that lead to these political assassinations.

Before I finish I would like to say a word about my friend, the Leader of the European Group. I am just quoting from the writing of another European gentleman, Mr. B. G. Horniman, who writing in the *Daily Herald* about the European Group and its Leader says :

“ Mr. Moore made the further demand that the Frontier Crimes Regulation should be applied to Bengal.

We should welcome this measure if we thought that the Government would have the sense and the courage to apply it exclusively to dangerous aliens of the type of this utterly un-English representative of the European community in the Legislative Assembly.

Men of the type of Mr. Arthur Moore are infinitely more dangerous to society, we suspect, than most of the so-called ‘ dangerous revolutionaries ’ locked up in detention camps. They exercise an unhealthy influence over a Government that is over responsive to the cries of panic-mongers.

More than that they do more than a hundred so-called incitements to crime in the vernacular press to stir up feelings of revolt and revenge in the minds of young men against conditions and a system which make it possible for a foreigner like Arthur Moore to insult Indians in the press and in the Legislature.”

Sir, I oppose the Bill.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I stand to oppose the third reading of this Bill. I will not take a long time in making my speech, but I will emphasise certain points which I tried to make clear when I was pressing my amendments for the acceptance of the Honourable the Home Member. It is claimed that the 20th century is an age of reason and rationalism finds a better place than brute might with which we are familiar in the 16th and 17th centuries. I wish might had not been the right, but that reason had taken the place of might. But to my utter surprise I have found that in the discussions that have been going on on my amendments, reason was utterly thrown aside, and that might was used to crush and defeat all my amendments. I may make it quite clear I am entirely at one with the declared object of the Bill,

that it aims at crushing the anarchical movement in the country. I certainly want to assist the Treasury Benches in the attainment of that object ; but at the same time I will insist that in eradicating one evil, you should not be perpetuating another evil. One sinful act cannot be eradicated by another sinful act. You are welcome to eradicate the evil of assassination, but you are certainly not to be supported when you yourself take up the role of assassinating the juristic principles that are prevailing in this country. The whole aim of my amendments was that the principles laid down in the criminal jurisprudence of the country should be allowed free play, and even an assassin who kills an individual simply because he happens to belong to a different school of politics than himself, should not be treated on the same principles which were followed by the assassin himself. What I mean is that even a murderer, a ravisher, a dacoit and a robber has a right to be heard. If you want to muzzle the Press in this way by punishing the keeper of the press, printer or publisher, without giving him an opportunity to be heard, why not go ahead and say that every assassin who is guilty of political murder should be hanged straight away ? That would be much better. I would certainly prefer that course to this of punishing an innocent person without giving him a chance of clearing himself. My submission is that throughout my amendments I tried to take away the power from the executive and place it in the hands of the judiciary. My object was that the rule of executive should cease and the rule of law should find a place in this country. I tried to explain it and to emphasise it when moving my principal amendments ; but I entirely failed to carry conviction to the other side. The Honourable the Law Member, who has disappointed me a good deal, has put forward the justification that this particular Bill was an emergency measure and it called for a speedy remedy. My submission is that if you had looked at the amendment to clause 3 which I proposed, I did not overlook this fact. As a matter of fact when a person was to be called upon to deposit security, I made it a provision that during the time the trial lasts or during the time he is called upon to show cause, the Magistrate should have the authority to call upon him to deposit security or to be bound down that he would not do anything of the sort which is sought to be prevented by the introduction of this clause. But even that point has not been considered. Therefore, my submission is that the battle in which I was engaged to fight the other side raged round this one crucial point, that is, whether there should be a rule of law in the land or whether there should be a rule of executive in the land. As the Treasury Benches have succeeded and probably in a few minutes will come out triumphant and the rule of executive will have crushed the rule of law in this land, so I want to record my protest on this point.

Lastly, I wish to say a few words upon the speech of my Honourable friend, Sir Muhammad Yakub. He said that even the religious books of the Hindus, of the Christians and all other religions do control the liberty of action of individuals. Probably my friend forgets that the word "liberty" has a distinct connotation from the word "license". If he had kept the distinction before him, he would not have used the language which he used. Liberty is defined like this : you are free to act provided you do not transgress the similar freedom of another citizen of the land. Control is placed upon



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us because the liberty of every individual is sacred, not the individual liberty of one person only ; and that is the distinction between liberty and license. The second point he took was also objectionable. He said that we are not fit for Home Rule because we are not willing to trust the Indian Magistrates. Of course in one of my arguments I did say that Indian Magistrates more often than not, with rare and noble exceptions, act according to the hints they receive from the District Magistrate : not only do they act like that but at the time of pronouncing judgments they declare it before the accused as well as the counsel, " We are helpless ; you know we are helpless." And certainly we know that they are helpless. Not that they are not able to administer justice or that they do not understand the law, but because they are part of a system which system is bad in itself. Therefore, my submission is that the present system which combines in one both the executive and judicial functions is such that it takes away the liberty of the subject. Therefore, Sir, if this Bill is passed in its present form, it will curtail the liberty of the Press, if not entirely ruin the freedom of expression and freedom of comment in this land. With these remarks I oppose the third reading.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division : Muhammadan Rural) : Sir, I am obliged to you for giving me an opportunity to say a few words on the third reading of the Bill. Those of my friends who followed me on the last occasion must have known the logic with which I couched my story. As one coming from the farthest corner of India, and as one who more or less directly or indirectly has passed through great vicissitudes of Press tyranny, I think it will be wrong on my part if I do not say a few words on the third reading of this important measure.

I am really surprised, Mr. President, that a gentleman of the calibre of my friend, Mr. S. C. Mitra, should say here on the floor of the Assembly things under the cloak of section 67 of the Government of India Act, which really go to support the guilty. I hope I have not misunderstood his arguments, but what I feel is this, that perhaps on occasions more than one, some of us seem to take advantage on the floor of the House of section 67 of the Government of India Act, which allows the Members of this House some sort of freedom of speech. As I said once before, I think the encouragement which the Press and the public get from the speeches made by some of us in the House go a long way to further add to the excitement. I do not propose to read any homily to my friends on the right, but when they profess to condemn lawlessness and disorder, on the face of that and on the face of their condemnation of criminal acts of terrorists, how do they logically and consistently say that they by their words on the floor of the House are not encouraging things which Government are attempting to put down ? We have heard from all sides of the House that most diabolical crimes have been committed against European officials of the Government. I do not mean to hold any brief for the officials nor for the non-official European Community. I have many European friends in this country, but why blame the officials and non-official Europeans for asking the Government to bring in a measure of this kind ? None of my friends on the right care to face facts. It has been repeatedly stated before the House as

to how Government came to introduce this measure, and it has been repeatedly pointed out that chaos and anarchy is reigning in certain parts of India. The law-abiding citizens, people who have a stake in the country, approached Government from all parts, and Government realising that they had a duty to perform to the law abiding citizens and to allay the fears of such law-abiding citizens, have brought forward this piece of legislation. If my friends on the right want to be logical, I venture to say that the explanation given by Government to justify the introduction of this Bill should satisfy them. Sometimes our lawyer friends on my right ask how is it that such a responsible Government as the Government of India do not care for the rule of law? Of course, there is only one answer to that question, and that is, if my friend Sardar Sant Singh and his supporters have read legal literature, they must have noticed that the rule of law is and has been prevailing in all civilised countries and it prevails in this country also. But I am really surprised that they do not care to come to that part of the story where the rule of law is a predominant factor all the time, but it is to a certain extent compromised on account of an emergency. My friends must have noticed that there was during the time of war in England a measure called the Defence of the Realm Act, or what in popular parlance is known as the D. O. R. A., and would my friends argue that, because D. O. R. A. was enacted as an act of emergency, England absolutely demolished or did away with the system of the rule of law of which we hear so much.

Then, Sir, I join issue in connection with the attacks on my friend on my right, Sir Muhammad Yakub, who has been so much heckled from the right wing of the House. My humble request to my heckler friends is this, they must have patience, they must respect the viewpoints of others; if they do not like the viewpoints of others, even though they are plain truths, my friends must bear them patiently. There is no alternative. Inconsistency in conduct does not look well.

Lastly, I wish to say only one word with regard to what fell from my friend, Mr. Mitra, with regard to his praise about sharp shootings. Yes, even Mr. Mitra will praise skill in sharp shooting and archery, as a theory expressing courage and valour, but if anybody praises these sharp shootings against officials on the floor of the House, my impression is that such commendations go a long way to create further mischief outside. No one for a single second discourages valour and chivalry, but where they are likely to be distorted, it is better that they should not be uttered. The time is very critical. The fate of India is hanging on the balance—I hope and trust that my friends on the opposition, will not add any more fuel to the already over heated atmosphere in the country. This measure is a temporary one, and the Assembly will always have a say in its modification. With these few words, I support the third reading of the Bill.

**The Honourable Sir James Crerar :** Mr. President, at this advanced stage of the Session and after so many days' debate of this Bill, I do not think that the House expects from me any very long speech now. I think everything that was worth saying with regard to this Bill has been said. Perhaps a good deal has been said which need not have been said; much has been repeated which was not worthy of repetition, and I do not wish to incur any of those censures myself.

[Sir James Crerar.]

I do, however, desire very briefly indeed to reply to one reproach which has been made against me and the Government and against which I must protest as not being a justifiable reproach. As regards the Assembly having been rushed over this measure, a full reply has already been given by other Members who spoke on this debate. The point on which I wish to make a few remarks is the suggestion that Government have been entirely impervious to reason and to reasonable criticism of this Bill, that because they accepted very few amendments on the long list of amendments placed before the House, therefore that is a reasonable proof of their rigid impermeability to any reason. Sir, I think those Honourable Members who are prepared to regard this question with candour will agree with me that between the form of the Bill as it was introduced and the form in which it is now before the House there are very serious changes. The Honourable Mr. Ranga Iyer, who was a member of the Select Committee, has had the candour and the justice—which here I do desire to acknowledge, though on some of the issues we necessarily differed—I do desire to acknowledge the general candour and justice with which the Honourable Member has addressed himself to the question, and he will, I am sure, agree that during the course of those discussions, the Government did give very careful, very sympathetic consideration to all the suggestions. If on certain broad issues we had yielded, the vital structure of the Bill would have been destroyed, and it was solely on that ground that we dissented and were compelled to stand our ground. Therefore, when the Honourable and learned gentleman opposite imputed to me an entire failure to respond to reason, I on my side must point out that the main points which he mentioned were points which were entirely inconsistent with the structure, the principle and the purpose of the Bill,—the structure, the principle and the purpose of which have twice been approved by the votes of the whole House. I should like to illustrate it by one particular point; longer than that I will not delay the House. The Honourable and learned gentleman opposite instanced as a particular case of unreasonable attitude on the part of the Government the fact that we were unable to accept the particular amendment relating to so-called *bonâ fide* encumbrances. Now, Sir, while that particular amendment was under discussion, I observed that my Honourable friend was not himself present in the House. I will not pursue in detail the merits or the issues of that amendment, because the House has recorded its decision. But the point I do desire to make is this that even if the Honourable Member who moved that amendment had good reason of thinking that some appropriate provision should be made regarding legitimate and innocent interests in confiscated property, no attempt was made to explain to us what was a *bonâ fide* interest in the forfeited property. Someone might have been accommodating enough to lend money to the keeper of the press. He might be sympathetic towards methods by which the press or the newspaper was conducted. If the money were returned to him under this amendment, he would presumably be accommodating enough to give it back to the keeper. We were not given any solution of that, nor indeed of any of the other difficulties. The amendment, in its present form, is simply thrown at our heads and no remedy is provided for the obvious difficulties that would arise, because it is quite clear if the amendment

stood in that form without any qualifications and reservations,—of practicability of which I remain unconvinced,—the whole purport of that clause would have completely disappeared, and in consequence a greater part of the structure of the machinery of the Act would become ineffective. Now, I do not think that it is a reasonable reproach to levy against Government when amendments are put forward in that crude, ill-considered fashion, in a form which in other respects also would destroy the machinery of the measure,—I submit it is not a fair imputation upon Government to say that they have been indiscriminate, rigid and unyielding in their consideration of the amendments. That is practically the last word I have to say. We on our side of the House, however, much we may differ in our views with regard to the main issues on this subject,—and I thought in the earlier discussions in the House the main issues had been accepted by Honourable gentlemen opposite and I built upon the assurance that many of them gave that they held to those main issues—we on our part do not desire to return any of those reproaches, but I do venture to say when Honourable Members consider the long progress of this Bill, when they consider the great changes with the Government have consented to make, those charges and those reproaches are not justified. (Applause.)

**Mr. President :** The question is :

“ That the Bill to provide against the publication of matter inciting to or encouraging murder or violence, as amended, be passed.”

The Assembly divided :

AYES—55.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Azizuddin Ahmad Bilgrami, Qazi.  
 Bajpai, Mr. R. S.  
 Banerji, Mr. Rajnarayan.  
 Crerar, The Honourable Sir James.  
 Dalal, Dr. R. D.  
 Dyer, Mr. J. F.  
 Fazal Haq Piracha, Shaikh.  
 Fox, Mr. H. B.  
 French, Mr. J. C.  
 Graham, Sir Lancelot.  
 Heathcote, Mr. L. V.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Ibrahim Ali Khan, Lt. Nawab Muhammad.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Knight, Mr. H. F.  
 Lalchand, Captain Rao Bahadur.  
 Lall, Mr. S.

Leach, Mr. F. B.  
 Montgomery, Mr. H.  
 Morgan, Mr. G.  
 Mujumdar, Sardar G. N.  
 Mukherjee, Rai Bahadur S. C.  
 Pandit, Rao Bahadur S. R.  
 Parsons, Mr. A. A. L.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Ram Chandra, Mr.  
 Rama Rao, Rai Bahadur U.  
 Row, Mr. K. Sanjiva.  
 Roy, Mr. S. N.  
 Sahi, Mr. Ram Prasad Narayan.  
 Sams, Sir Hubert.  
 Schuster, The Honourable Sir George.  
 Scott, Mr. J. Ramsay.  
 Shah Nawaz, Mian Muhammad.  
 Sher Muhammad Khan Gakhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Tnlib Mehdi Khan, Nawab Major Malik.

AYES—*contd.*

Todd, Mr. A. H. A.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.

Young, Mr. G. M.  
Zulfiqar Ali Khan, Sir.

## NOES—24.

Azhar Ali, Mr. Muhammad.  
Chandi Mal Gola, Bhagat.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Ranga Iyer, Mr. C. S.

Reddi, Mr. P. G.  
Sant Singh, Sardar.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Sohan Singh, Sirdar.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

## DEMAND FOR SUPPLEMENTARY GRANTS.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

**Mr. President** : I should like to draw the attention of the Honourable Member, Mr. Misra, to the fact that he has included in his grievances two items, one relating to the Orissa Boundary Commission and the other to the Round Table Conference. There is no provision in this demand for any expenditure on the Boundary Commission for Orissa. Therefore, that grievance cannot be ventilated on the present occasion. I, therefore, call upon the Honourable Member to move his amendment only in regard to the non-representation of Oriyas on the Round Table Conference.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I am afraid this motion was already moved in connection with the previous grant, and so it cannot be moved.

**The Honourable Sir George Rainy** (Leader of the House) : The point is this, Mr. President. Precisely this grievance was ventilated on the vote for expenditure in India. This is now a vote for expenditure in England. I cannot say that the motion is substantially the

same ; but, if this were in the form of a Resolution, it would be precisely the same.

**Mr. President :** I had asked my office to go over all the amendments of which notice had been given, and I have disallowed Nos. 1 to 7 on that ground. This is really No. 8, which I am told has not been previously discussed. That is a question of fact which requires to be looked into.

**The Honourable Sir George Rainy :** I think, Sir, my Honourable friends, Mr. B. Das and Mr. Misra will both recollect that we did discuss the non-representation of Orissa, and I certainly made a speech on the subject.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : I had discussed only one part, but the other part I think was ruled out.

**Mr. President :** The Honourable Member's motion seems to be out of order on both grounds. Mr. Das moved item No. 4 on the first supplementary demand and ventilated the grievance of the non-representation of Orissa at the Round Table Conference. I do not see any difference between the non-representation of Orissa and the non-representation of Oriyas (Laughter).

**Mr. B. N. Misra :** Sir, we have a grievance.

**Mr. President :** Very well, I want to hear the Honourable Member.

**Mr. B. N. Misra :** Sir, as regards the Orissa Boundary Commission...

**Mr. President :** I have already ruled that that is out of order.

**Mr. B. N. Misra :** As regards our non-representation at the Round Table Conference.

**Mr. President :** That has already been discussed.

**Mr. B. Das :** I submit, Sir, that this sum is allotted for expenditure in England. There is no Oriya Member of the Round Table Conference at London—so he will not be able to share what expenditure is incurred in England.

**Mr. President :** That is a purely technical point. The subject matter of the grievance has been fully ventilated, *viz.*, that the Province of Orissa has not been represented at the Round Table Conference. Whether it has been done under one head or under another is immaterial. If no motion had been made under the first head, I would have certainly allowed it on this motion.

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*Non-representation of Nationalist Muslims in the Round Table Conference.*

**Mr. B. N. Misra :** Sir, I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 2,63,000 in respect of ‘ Expenditure in England—Secretary of State for India ’ be reduced by Rs. 100.”

Sir, probably you will be wondering as to why, of all people, I should come forward with a motion on behalf of nationalist Muslims.

[Mr. B. N. Misra.]

First of all, let me be not misunderstood that I have put this motion at the instance of my party or anybody. I have brought this motion forward because the nationalist Muslims go unrepresented in this House. Sir, it is not foreign to Hindu culture that we should consider it our duty to espouse an unrepresented cause. (Hear, hear.) You know, Sir, from the Mahabharata that Vishma was a great hero, but he was a bachelor, he was issueless; and therefore, we Hindus, particularly I am now speaking of my Brahmin community, always offer *sradh* for him; it is incumbent, according to our Hindu ideas, that sons must offer *pindas* to their father. Of course if a Hindu has not a son, certainly the belief is that he must be given a son by somebody else; and therefore, the Brahmins undertake it as their first duty to offer their *pinda* to Vishma, who was a great hero but a bachelor and issueless. Therefore, I move this motion on account of the non-representation of nationalist Muslims at the Round Table Conference. Sir, whatever may be said by others, probably you have been reading in the papers, and particularly we get messages from London, that the Round Table Conference cannot proceed further on account of the absence of Dr. Ansari, so well-known to this House and I think to you also, Sir. Sir, on account of the absence of the nationalist Muslims, that Conference cannot go on. Of course, when I say this I do not thereby cast any reflection on any others, but I say that the Government are well aware of this view,—and so the work is being delayed in London. I, therefore, request the Honourable Members on the Treasury Benches that they should not make it a party question or a Government question, and I would request my Honourable Mussalman friends of this House also not to oppose my motion; and I would request the Treasury Benches to leave this question to the free vote of this House, without themselves taking any part in it; and then I think the House will agree to this motion.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, my Honourable friend, Mr. Misra, has not done justice to the Mussalmans when he says that nationalist Muslims are not represented on the Round Table Conference or that the nationalist Muslims are not represented in this House. Sir, I claim for myself and for my other Muslim friends in this House that we are as much nationalist as any other nationalist in India. Sir, we are not an inch behind any person in this country in claiming the freedom of our country.

**Mr. B. N. Misra** : Then my Honourable friend cannot object to my motion at all.

**Sir Muhammad Yakub** : We in this House, as well as the Muslims outside this House, have always fought shoulder to shoulder with the other communities in this country for obtaining the freedom of our motherland. In the same way my friend is not right when he says that nationalist Muslims are not represented on the Round Table Conference. Can any one say that there can be a greater nationalist Muslim than Mr. Muhammad Ali Jinnah himself? He is the man who unfurled the flag of nationalism in this House, the man who taught nationalism to many nationalists in this country, the man who has

discarded all ideas of communalism and has fought against his own community for nationalism. When Mr. Jinnah is in the Round Table Conference can anybody say that nationalist Muslims are not represented ? Then, Sir, we have got another great nationalist Muslim in Sir Ali Imam, the man who presided over the Nationalist Muslim Conference at Lucknow, and is the accredited representative of the Nationalist Muslim Party. When Sir Ali Imam is there, can anybody say that the nationalist Muslims are not represented at the Round Table Conference ? Then there is Sir Sultan Ahmed. He has always been in the front rank of nationalists in this country ; and when all these gentlemen are represented there, to make it a grievance that the nationalist Muslims are not there is absurd. And to say that the work of the Round Table Conference has been hindered for want of one individual is an argument with which no reasonable man can agree. Probably it is an excuse for not coming to any proper settlement with the Muslims. If " A " is invited, next day it will be said that " B " is not there, and therefore, the work cannot go on ; " C " is not there and therefore, the work cannot proceed. Sir, the question of representation at the Round Table Conference has been made a sort of lame excuse in the country ; because I am not invited therefore the Mussalmans of the United Provinces are not represented ; because my friend, Mr. Amar Nath Dutt, is not there, therefore the Bengalis are not represented ; because my other friends are not there therefore their case has not been represented. There are hundreds and thousands of sects and communities and inter-sects in India, and if a claim is made for the representation of every community and sub-community and every caste in the Round Table Conference, I do not know what will be the dimensions of the Round Table Conference, when they will finish their work, and how much money will be spent upon these people who enjoy the hospitality of the British Government in England. So I say that it is a superfluous grievance to say that the nationalist Muslims are not represented, and for these reasons I am obliged to oppose the motion of my friend, Mr. Misra.

**Mr. B. N. Misra :** Sir, I was trying for the unity of India and if my Honourable friend says that there is no difference.....

**Mr. President :** The Honourable Member cannot speak again unless he is withdrawing the motion.

**Mr. B. N. Misra :** Yes, Sir, I am withdrawing it after clearing the position. I think any one reading the papers will find that on account of the absence of Dr. Ansari.....

**Kunwar Hajee Ismail Ali Khan** (Meerut Division : Muhammadan Rural) : Sir, on a point of order, when the Honourable Member has agreed to withdraw his motion what is the use of making a speech ?

**Mr. President :** He is not in order in making a speech, but he can very briefly explain why he is withdrawing it.

**Mr. B. N. Misra :** Yes, Sir, I am not making a speech. I was speaking in the interest of the unity of India and of Muslims. It is no secret that there are communalists and nationalists. If my friend claims to be a nationalist Muslim, why should he object to another man going there ? After all so many people have been included.....



**Mr. President :** The Honourable Member is again making a speech.

**Mr. B. N. Misra :** No, Sir, I will not make a speech but I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly withdrawn.

**Mr. President :** The question is :

“ That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1932, in respect of ‘ Expenditure in England under the control of the Secretary of State for India ’.”

The motion was adopted.

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### RESOLUTION *RE* EXPENDITURE ON ROADS.

**Mr. J. A. Shillidy** (Secretary, Industries and Labour Department) :  
Sir, I beg to move the following Resolution :

“ That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors’ provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature.”

Sir, I do not propose to take up the time of the House at any great length, but I would remind Honourable Members of the Resolution which was passed by this House on the 4th February, 1930, whereby certain arrangements were made for the allotment to the provinces, in the ratio of consumption of the amounts of the extra petrol tax. That Resolution contemplated that these sums would be available as a block grant for expenditure on road development. After a time, we received applications from several Local Governments asking that this money might be made available for maintenance and not merely for construction. We went into this question very carefully and we came to the conclusion, having regard to the financial circumstances of the Local Governments, that it was unreasonable to suggest or to insist that they should build more roads while they were unable to maintain their existing ones. We were under the impression in the Standing Committee that we had power to do so under the terms of the Resolution as it stands. We were however advised that this was not so and therefore it has been necessary to come to this House for an amendment of the Resolution. The plain justification for this amendment is, as I have said before, that it is no use asking a Local Government to construct new roads when it has not the money to maintain its existing ones. You will however notice that this diversion, or as some call it this raid on the Road Fund, is not to be a permanent one. First of all, the Standing Committee will have to be satisfied that the Local Government has made out a good case ; secondly it is to be a loan, and this loan is to be repaid as soon as the financial circumstances of the Local Government permit.

I think, Sir, that the Resolution is one which should commend itself to the House.

**Mr. S. G. Jog** (Berar Representative) : Sir, it is really a very rare phenomenon that a Member of this House has got to rise to support a Resolution moved by a Member of Government. It appears to me that an emergency adjustment of the Fund is necessary and I have purposely risen to say that for all reasonable proposals even if they come from the Government side, this side of the House will give entire support. We have to show that we are reasonable provided the Government are also reasonable, and I heartily support the Resolution moved by the Honourable Member, Mr. Shillidy.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, in giving my approval to the Resolution moved by my Honourable friend, Mr. Shillidy, I would suggest to him that every year, before the Standing Committee on Roads, he will bring forward a statement shewing the sums that the Local Governments appropriate for the maintenance of roads from the Roads Fund, and also he will place statements before the Standing Committee on Roads from year to year showing that sums thus spent on revenue account are credited by the Local Governments to the capital account of expenditure on roads. If he does that I will be satisfied. I will only bring to his notice a local matter of the Kalka-Simla road for which the Standing Committee on roads granted a large sum of money to the Government of the Punjab.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : It is not correct. The Standing Committee on Roads did not grant any money for this road. It is a provincial road.

**Mr. B. Das** : It is not correct ! I will draw the Honourable Member's attention to the fact that we live in the Members' quarters on the Cart Road, which is under the administration of my Honourable friend, Mr. Shillidy. My friend allows a large number of motor cars to pass *via* that road and when Honourable Members come to this House, we come in a dust storm. Either he will stop the motor cars at the place where the medical examination takes place or he will grant sufficient money from the reserve fund accumulating to the Government of India, so that that road may be properly paved and there may be no dust storm when we come to meet here and to reply to the Honourable Member on his Resolution.

**Mr. L. V. Heathcote** (Nominated Non-Official) : Sir, this Resolution has all the appearance of being a harmless one. But actually I am afraid that I am not in love with it. The only justification that I can find for this Resolution is the sympathy which all of us feel in this House for the hard plight of Provincial Governments. But I do think that we should not allow our sympathy to run away with our reason. It is to be remembered that this additional annas 2 tax which was put on petrol for the purpose of finding funds for road development is a Central revenue and it is the responsibility of this House to see that a tax which was enforced for a particular purpose is used for that purpose. We also have a further responsibility to the person who pays that tax, and the motorist is taxed to a degree which I do not think many Members of this House realise. So the question arises whether there is anything that we can do which is going to bring it to the notice

[Mr. L. V. Heathcote.]

of the Provincial Governments that this money which is proposed to be given to maintenance is to be regarded as a loan. I considered the possibility of tabling an amendment which would to some extent fix the time when the loans were to be repaid, but it was pointed out to me that when the time came and conditions had improved so that we might expect these loans to be repaid, the constitution is likely to be an entirely different one, and whatever conditions may be made now, they would not have an application several years hence, and so the question then arises, is it safe to put the provinces on their honour, because that is really what it comes to, and I am perfectly prepared to do so. In fact I prefer to do so rather than try to invent some formula round which the Local Governments might not be able to get. The only reason which makes me to speak on this Resolution at all is that in the Provinces, the local Legislatures have not yet realised the real importance of roads. Roads is the Cinderella of the transferred Departments. Money is spent on education and health, but it seems to me that little consideration is given to the possibility of improving the roads leading to schools, and so enlarge the area served by the school. Large sums are spent on hospitals but what is the use if the poor villager coming to the hospital dies before reaching it on account of the jolts he receives. And so I would like an assurance from the Honourable the Mover of this Resolution that, in passing on the terms of this Resolution to the Local Governments, he will lay all emphasis he can on the fact that this diversion is a loan and that we rely upon the provinces to repay it to the Road Development Fund.

**Mr. J. A. Shillidy :** Sir, I would like to thank Mr. Jog for approving of the reasonableness of my proposal and for the promise that he is always ready to support anything reasonable from these Benches. But as all our proposals are entirely reasonable, I think he might cross the floor at once. Then, Sir, turning to Mr. Das, I am quite prepared to accept the suggestion Mr. Das has made that we should inform the Standing Committee of sums which are spent by the Local Governments on maintenance and that we should do so every year. Certainly I shall undertake to do it. As regards the Kalka-Simla road, we discussed it before. But the Standing Committee of this Legislature, I may say the Sub-Finance Committee consists of Members of this House, and they decided that it was a provincial road, expenditure on which must be met from provincial revenues. I shall be glad to hear that Mr. Das has succeeded in his agitation, but I cannot hold out any very great hopes in view of the previous decision of the Standing Committee.

Turning to Mr. Heathcote's remarks, there is of course only one justification for the Resolution, I have proposed, as I said before. It is that Local Governments have got no money at present. They cannot maintain their roads and it is not much use asking at least those Governments which cannot maintain their existing roads to construct new ones. That is the full justification for my Resolution. I am quite prepared to accept Mr. Heathcote's suggestion that, in passing on our orders to Local Governments, we should emphasise, and emphasise very heavily, that this grant or that this diversion to

maintenance is only a loan and that we do expect them to repay it as soon as possible.

**Mr. President :** The question is :

“ That this Assembly recommends to the Governor General in Council that, in view of the present financial stringency, and notwithstanding anything contained in the Resolution on roads which was adopted by this Assembly on the 4th February, 1930, the apportionment made among Governors' provinces and minor Administrations in the road development account, may, in special circumstances, and upon the advice of the Standing Committee on Roads of the Central Legislature, be made available, as a temporary measure, for expenditure on the ordinary maintenance of roads, on the condition that the Local Government or Administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor General in Council on the advice of the Standing Committee on Roads of the Central Legislature.”

The motion was adopted.

### RESOLUTION *RE* PURCHASE OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that, in accordance with the recommendations of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st of December, 1932 :

- (1) the Government should enter into negotiations with the two Companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December of any earlier year, again subject to one year's notice ;
- (2) the question whether the working of the Tirhoot Railway should be entrusted to the Bengal and North Western Railway Company during the 5 years (or shorter period), for which it is suggested that the option to purchase the Bengal and North Western Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Tirhoot Railway during this period ;
- (3) the question whether the working of the Lucknow-Bareilly State Railway should be entrusted to the Rohilkund and Kumaon Railway Company during the 5 years (or shorter period) for which it is suggested that the option to purchase the Rohilkund and Kumaon Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the Company for working the Lucknow-Bareilly State Railway during this period ;
- (4) in the event of its proving impossible to reach agreement with the Bengal and North Western and Rohilkund and Kumaon Railway Companies on the terms recommended in (1), the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms ; and the Government should again consult a committee of the Assembly for the purpose of re-considering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways.”

This is a somewhat lengthy Resolution, but I do not propose that my speech should be adjusted to the length of the Resolution, for I am afraid in that case it would be a very long speech indeed. The Resolution is the result of the unanimous report of the Committee appointed by this Assembly, and as the Report of the Committee has been in the hands of

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Members for some time, it is not necessary, I think, for me to go into great detail on the question. As Honourable Members know, we can by giving notice before the 31st of December, 1931, exercise the right which we have under the contracts to purchase these railways with effect from the 31st December 1932. The sum we should have to pay is just over £10 millions sterling in the case of the Bengal and North Western Railway, and something less than £2 millions in the case of the Rohilkund and Kumaon Railway. And of course as Honourable Members already know—and it is clearly brought out in the Report of the Committee—the great practical difficulty which exists in the way of our exercising our option to give notice arises from the financial conditions now prevailing. As is pointed out in the Report of the Committee, “The Finance Member emphasised the fact that in present conditions a very large sterling sum, nearly £12 millions, required to purchase the railways could not be raised without unduly straining India’s credit with possible detrimental effect on existing securities, or without reducing the power of the Government to finance new expenditure in other directions”. I think that every member of the Committee realised that the difficulty was a very real one and that Government could not possibly, at the present stage, undertake to raise that sum in London.

Another point to which the attention of the Committee was drawn was this—that taking account of the terms on which the Government of India is in a position to borrow money, and taking into account also the probable increase of expenditure on the line which would result if Government took it over, and finally taking into account the existing depression in trade, it was not at all likely that as a business proposition the purchase of the line would be a good bargain. That in itself might not be decisive at ordinary times, but taken in conjunction with the practical impossibility of raising the sum required, the difficulty becomes very formidable. The unofficial members of the Committee, however, held very strongly that due account must be taken of the strong feeling on the subject in the areas served by the two companies that the lines ought to be purchased at the first possible opportunity. The Government were in no way disposed to under-rate the force of that line of argument; and therefore the Committee came to the conclusion that the best course we could recommend in the circumstances as regards the purchase of the two lines was that we should endeavour to obtain from the companies an extension of our option to purchase for a period of five years in the hope that during that period the financial conditions might improve and that it might prove possible to raise the money before the end of the period. The Government members of the Committee found it necessary to point out that all the probabilities pointed to the conclusion that by private arrangement, and apart altogether from the contract, it was likely to be possible to purchase the lines for a considerably smaller sum when the time came when we had funds to spend for that purpose. On the other hand, neither myself nor the Finance Member found any difficulty in concurring in the course recommended by the majority of the Committee, namely, that we should do our very best to secure this option. As Honourable Members, I think, know, if we do not exercise our option now, then we shall not be able to purchase compulsorily until the year 1931, and although we believe that, when funds are

available, it would be possible by private arrangements, apart from the contract, to purchase more cheaply, nevertheless we see no harm whatever in securing the extension of this option if the companies are willing to give it to us. That, Sir, covers the first clause of the Resolution.

The second and the third clauses are concerned with the arrangements to be made in respect of the two State-owned railways which are managed by the companies, that is the Tirhoot Railway and the Lucknow-Bareilly Railway. As regards both of these, we shall have a free hand after the 31st December 1932. The contract relating to the working of the Tirhoot Railway terminates on the 31st December 1932 whether Government purchase the Bengal and North Western Railway or not. A new contract will therefore be necessary whether we purchase that railway or not. The position is not precisely identical in the case of the Lucknow-Bareilly Railway; the contract does not terminate automatically unless we purchase the Rohilkund and Kumaon Railway line, but after the 31st December 1932 we can terminate the contract by giving 12 months' notice. What the Resolution recommends about that is that, provided we can arrange satisfactory terms with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Company, then the management should continue with these Railways. It is impossible at the present stage to make a more definite recommendation, because the question of the terms will have to be discussed with the two companies concerned. These two clauses, however, assume that we shall be able to get the option to purchase extended for a period of five years and they do not cover the future management of the two State-owned lines except for such period.

Finally, we come to clause 4, which contemplates that it may prove impossible to reach agreement with the Bengal and North Western Railway and the Rohilkund and Kumaon Railway Companies on the terms about extending the option, and the Resolution recommends that in that case Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms, and in the second place that the Government should consult the Committee of the Assembly for the purpose of reconsidering the position with regard to the management of the Tirhoot and the Lucknow-Bareilly Railways. I lay some little stress on the point that these two recommendations are made on the assumption that we are unable to obtain an extension of the option. There is no difficulty, as the Resolution stands on the paper from the point of view of Government, in recommending either or both of these courses. We are quite ready to explore what other means may be possible for the purchase of the lines when financial conditions improve. Nor have we any difficulty about consulting a Committee of the Assembly as regards the future management of the Tirhoot and Lucknow-Bareilly Railways, because as I have explained, after the 31st December 1932, we shall not be bound by any contract, and we shall have a free hand.

Perhaps it might save the time of the House if I were to refer here to an amendment which is on the paper and of which notice has been given. That amendment is to omit at the very end of clause 4 the words "as regards the management of the Tirhoot and Lucknow and Bareilly

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Railways". I am not quite sure that I know fully what is in the mind of the Honourable Member who has given notice of that amendment. If it merely means that when in the course of the year 1932 or later we should consult the Committee of the Assembly about the future management of the Tirhoot and the Lucknow-Bareilly Railways we should also be ready to consult in 1932 about the whole position, then I have no objection. But as the Resolution is drafted, if the amendment were adopted, it might very easily be read as binding Government to consult the Assembly before our option to purchase the Railways expires on the 31st December 1931. I could not promise to do that because there is not sufficient time. The negotiations with the two companies will take up time, and I cannot give any promise of that kind. But I have not the least doubt that, whoever may sit in the seats where we sit to-day, this question of the possibility of purchase on reasonable terms will come before the Assembly at the end of two or three years. So far as that is concerned, and as regards future consultation from 1932 onwards, if that is what is meant, then I should have no difficulty in accepting the amendment. I have only mentioned this point as it may shorten the discussion.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, that in clause (4) the words "as regards the management of the Tirhoot and Lucknow-Bareilly Railways" be omitted is the amendment I propose. At the very outset I would like to emphasise once again the desire on the part of the Opposition as well as on that of the country to terminate, as far as, and as quickly as possible these contracts with the companies generally, and in particular with this company, in favour of State management. Having said that, I should like to draw the attention of the House to these words that occur in clause 4 limiting the scope of the consultation. I have heard with great relief the speech of the Honourable Sir George Rainy that if it was my desire in moving this amendment not to handicap the Government with regard to the exercise of the option, but only that the Assembly should be consulted after the end of 1931, he was prepared to accept my amendment. I only wish to submit that the Assembly should be consulted as early as possible in view of the desire so keenly felt and so often expressed that the railways should not be left under company management. I realise of course the difficulties which the Committee had to face when they had to recommend this five years extension on account of the financial stringency with which we are cursed. It is also a great relief to me to note that the five years is not a period finally fixed but they have also provided that if it is possible, if the financial circumstances permit, at an earlier date these contracts should be terminated and they give power to the Government to negotiate on that basis. I entirely agree with those conditions. I wish only to repeat once more that it is not my intention to handicap the Government in their negotiations, but only that the Assembly should be consulted on all these matters. With these few words I move my amendment.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : The position about these lines now under discussion is this ; we have four lines, (1) the B. & N. W. line, secondly, the R. & K. R. line, thirdly, the Tirhoot line, and fourthly, the Lucknow-Bareilly line. As regards the B. & N. W. line, the contract is

that we ought to give notice by the end of this year. If we do not give any notice, then automatically the contract will extend for another period of 50 years ; that is, up to the end of 1982. The Tirhoot line which is the most paying of all belongs to us, and we have handed over its administration to the B. & N. W. line, and it is open to us to take over that administration at any time we choose. As regards the R. & K. R. line, it belongs to the company, and the Lucknow-Bareilly line belongs to us which is given to the same company to run. Sir, if we do not give notice by the end of this year, then the contract with the B. & N. W. line will automatically extend to 1982, and the same is the case with the R. & K. R. line. But it will be open to us to give the contract for managing the Tirhoot and Lucknow-Bareilly lines to the same lines or we may undertake its management in our own hands. I tell you frankly what is at the back of our minds. We have got the very sad experience of the Assam Bengal Railway. Last year the Honourable the Leader of the House brought forward a motion that the terms of contract with this line should be extended for another ten years, in other words, that no notice should be given before 31st December 1931. The Assembly, on the motion of Mr. Fazal Rahimtulla, resolved that the period of contract be extended by one year only, but we were told very definitely by Mr. Parsons in reply to questions on the point that the Government cared nothing about this Resolution. The Government did not give the notice which they ought to have done on the 31st December 1930, with the result that automatically the contract has been extended for another period of ten years, and this was done against the explicit wishes of the Assembly. We are afraid that the same thing may be repeated in this case also, that is, that the railway authorities, the Government of India and the Secretary of State may ignore the fact and take no notice whatever of what we say, and automatically the contract may be extended by another 50 years. It is against all the principles on which the railway administration in India ought to be carried on.

Sir, I start with the fundamental principle that we take the earliest opportunity to purchase each and every railway in India, and as soon as the contract of any company is going to expire, we should not let the opportunity slip away, but we should take into our own hands the administration of all the railways in India. This is the principle on which I stand, and I challenge any person who may advocate any other principle contrary to this one, and I will give some of my reasons later on. (*Mr. S. C. Mitra* : "Where to get the money from?") My Honourable friend, Mr. Mitra, asks where is the money to come from. I never cared for it ; if a thing has to be done, it must be done. Supposing there is a war to-morrow, then the Honourable Sir George Schuster will find money somehow or other. The question where the money is to come from depends very much upon the importance of the matter, and we must not sit idle saying, where is the money to come from ?

Now, if we remained silent, the Government might allow time to lapse, and automatically the terms of the contracts will be extended for another 50 years. This is a thing that we do not want, but realising the financial difficulties of the country at the present time, the Committee which was appointed by the Government from the various groups of this House, considered this question very carefully, and they



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recommended that, owing to the financial stringency, the utmost that they could do was they might be willing to extend the period of contract for a period of five years. If the B. & N. W. Railway company is willing to undertake the extension of this period and modify the terms of the contract accordingly as they have already done more than half a dozen times, we on this side of the House, at least and the members of the Sub-Committee, see no objection to an extension for another five years, but they do have great objection to extending the period of another 50 years,—it is an absolutely impossible problem. Supposing the B. & N. W. Company does not agree with this offer of extension for five years, what are we going to do ?

In the first place, I should ask the Government to consult the Assembly or a Committee of the Assembly immediately before allowing the option to lapse altogether, and in that case, I would advise the Government to immediately take possession of the Tirhoot and Lucknow-Bareilly lines and manage them themselves. If the companies treat us indifferently, there is no reason why we should entrust the most profitable part of our railways into the hands of these companies. If they are not reasonable to us, I do not think we should be charitable to them. That is the first thing that I would submit if they do not agree to our terms. We should immediately take possession of the Tirhoot line and the other line which according to the contract you can do.

One reason among many others for which I very strongly press the immediate purchase of these railways is that I and probably some other Honourable Members know the working of these lines very well. I approach my constituency by this line, that is, the B. & N. W. line, and I know its working perhaps better than the Members on the Treasury Benches, including Mr. Parsons. I have travelled extensively on this line, and it is impossible to describe the inconveniences of the passengers even in the first and second classes, not to speak of the third class at all. There is no light at night, there is no sufficient water to be had, no refreshments at stations, and no sheds of any kind whatsoever. I went to Chauri-Chaura and made enquiries. The Station Master there is paid very little, perhaps not more than Rs. 100 a month, but his extra income is Rs. 4,000 a month. I will be quite willing to resign membership of the Assembly if the Honourable Member in charge of the Railways will make me Station Master of Chauri-Chaura. The reason why they run it economically is that the official pay is small but the employees make very high incomes from back doors. They neither pay any taxes on the back door income nor is there any chance of retrenchment. That is really the root cause of the troubles of the passengers. Though on paper they show that their working ratio is very small, the money that comes out from the people's pockets by the back door, is really enormous, and this money ought to be debited to the working expenditure of that particular railway. If the Government purchases this railway, then all these troubles will cease to exist.

There is one other story I want to tell about this railway. If you give the guard two sugar canes you can have the train stopped, during the sugar cane season. This happens in the Gorakhpur district. The quicker this company administration is finished, the better. It is really a scandal and a source of great inconvenience to the people. There is

one other story which I may tell here. The ticket examiners on this railway do not know the difference between single and return tickets. Once a ticket examiner punched my ticket in the middle when I told him that it was a return ticket. He said, "Hallo, I did not realise this". This is the knowledge and intelligence of the people who are employed on this line. I do not waste the time of the House by telling stories. I could write volumes. My point is that we should take immediate possession of this railway. If the Railway Company is unreasonable then we should collect the money some how and purchase it at once. I can suggest two ways by which money can be obtained. The railway has got a substantial sum in the Depreciation Fund. The Depreciation Fund must be invested somewhere, and I am given to understand that this Company is paying 19 per cent. The Railway Administration will have a very good investment if the Depreciation Fund is invested in this particular railway. My next suggestion is this. If the Finance Member raises a loan for this specific object, the money will be subscribed immediately. I see no difficulty if the desire to purchase it is not wanting.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : As one of the signatories to the Report of the Sub-Committee which was appointed by this House, I should like to make one or two observations. In the first place I should like to voice the feelings of the people generally from my part of the country that the entire B. and N. W. Railway system should be purchased by the State as soon as possible. The Acworth Committee Report laid down the principle that, on the termination of the lease of a Company-managed railway, it should as a rule be taken over by the State. This House also in one of its Resolutions has confirmed that principle. If the financial situation of the country had not intervened, I would certainly have recommended the immediate purchase of this railway. As we discussed this matter at great length in the Sub-Committee which was appointed by this House, and as we had the advantage of listening to the arguments advanced by my Honourable friend the Finance Member, we came to the conclusion that it was out of the question, however, regrettable it may be, to purchase this railway in the immediate present. Therefore, we unanimously gave authority to the Government to negotiate with this railway to purchase it within a period of five years at the maximum, and our recommendation has the support, I am glad to say, of public opinion in my part of the country. The *Indian Nation* which is the leading organ of Indian Nationalism at Patna in its issue of the 16th September 1931 observed as follows :

"The suggestion of the Committee appointed by the Assembly to go into the question that option should be obtained by negotiation with the companies to purchase the lines on most favourable terms within five years hence seems a happy one. The companies should be given a year's notice which is only fair. We hope the suggestion of the Committee will be adopted by the Government of India, and efforts will be made to secure its acceptance by the companies concerned, so that the purchase of the lines may not be deferred to 49 years hence."

Now, Sir, there is one point about B. and N. W. Railway which I may mention. Its rates and fares are lower on the whole as compared with the rates and fares of any other existing railway system in the country. From the Railway Board's Report for 1929-30, Vol. II, pages 97-98, I cull the following :

"The average rate per mile is :—In the first class it is 13.7 pies on the B. and N. W. Railway, while it is 16.7 on the Eastern Bengal metre gauge ; on the second

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class it is 8.01 on the B. and N. W. Railway and 9.72 on the Eastern Bengal Railway ; on the inter class it is 3.47 on the B. and N. W. Railway, and 3.90 on the Eastern Bengal ; on the third class it is 2.29 on the B. and N. W. Railway, while it is 3.11 on the Eastern Bengal Railway."

So far as the goods traffic is concerned, we find also that the average rate in pies per ton mile is 7.34 on the B. and N. W. Railway as against 8.45 on the Eastern Bengal Railway.

**Mr. B. Das :** Why discuss fares now ?

**Mr. Gaya Prasad Singh :** I would not have mentioned it but for the observation made by my friend Dr. Ziauddin Ahmad. I do not know whether all the observations that my friend made were pertinent to the present motion. He might have reserved some for the Railway Budget.

**Dr. Ziauddin Ahmad :** I have enough for that occasion.

**Mr. Gaya Prasad Singh :** I do not want the rates and fares to be increased in these hard times. When I signed the Report of the Committee, I understood that, considering the extreme financial situation in the country, we were giving the Government the option to negotiate with the B. and N. W. Railway for the purchase of the entire system within a period of 5 years at the utmost. We can purchase it earlier, but 5 years is the maximum. If the railway does not care for this extension, then the whole position ought to be reviewed by this House and a committee may be appointed, not necessarily the same committee, and then we might come to whatever conclusion we like on the point, but we are definitely against the extension of the lease beyond five years. If we do not exercise our option, then the lease will automatically extend to 50 years. We are definitely opposed to this long extension. We are agreeable to purchase the lines within a maximum period of five years, failing which they should come to this House for necessary sanction in the matter. That is all I have got to say.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, all the three previous speakers who spoke on this Resolution from this side were members of the Select Committee. I was not a member of the Committee, but I understand that the Resolution, though worded in so many lines, simply means that the Government should try its best to get the best terms available from the Company, and that we should try to let them have a year or two's extension or at the maximum five years. All this had been pointed out at the Delhi Session, but what we now want to know is how these negotiations are proceeding. We know that the financial condition of the country is not such that the Government of India may be in a position to afford so much money as to purchase the whole line, but there are the other points brought out by my Honourable friend, Dr. Ziauddin Ahmad, that there is every reason for the Company to become reasonable because two or three of the Government-owned branch lines are now being managed by the Company, and they are the most paying—yielding very high dividends. But the learned Doctor is under the misapprehension, though he is a great mathematician, that we have a very big Depreciation Fund lying idle in the treasury for the railways ; I am sure it is known to the House that the whole fund of Government reserves on different accounts is a consolidated fund, so that if there is a deficit money is drawn from the consolidated fund and the railways may not always draw upon that fund as they desire.

The other question that the learned Doctor referred to was about the fate of the Assam-Bengal Railway ? But that was only an extension for ten years, and we can afford to let the Company have their time, but here the period being a very long one, 50 years, I think we can expect that the Government will now tell us how the negotiations have been proceeding during all these months and, now that there are barely three months left, whether there is any chance for the Government to come to any agreeable settlement with the Company.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, as one of the members of the Committee, there are two complaints which I have to make as regards the position of these railways. The first is that this motion by the Government to acquire these railways came very late during the last session of the Assembly. The Government knew that if the contracts were not finished by December 1931, the contracts would extend to another fifty years. I am making this point that, knowing that this matter would have to come before the Select Committee and before the Assembly, and that it is such an important matter involving Rs. 12 or 14 crores, the Government ought to have brought this matter up at least last year or year before last so that they might have been left some time to discuss this question and to examine it very carefully. Now on the eve of the expiry of the contract, the matter is placed before us, and we are in a fix. The other point I make is that the deeds of contracts which were made and which were placed before the Committee were so very much involved with one another and that for a very long time different concessions were made to the Companies one after another, that the result was that it was very difficult for anyone to examine their full import. The wording of the contracts which were entered into, time after time between the Government of India and the Company were ambiguous, besides no copy of the full contract was given to us which could give us the true condition in which we were at present in relation to the Company. Thus two facts were very prominent—one, that the Company was getting an income of 19 per cent. as dividend, and the other, that it was very difficult to acquire it unless notice was given by the 31st December, 1931. There is another fact too that the Company has invested about £3 million, and they have got more than £3 million as Reserved Fund. Looking to the income which the Company is making, if we ask the Government to go into the question earnestly, in the interests of the Indian exchequer and of the Indian people, I think we shall not be asking Government anything which is very embarrassing or to the detriment of the interests of the country.

Now, Sir, the amendment moved by the Honourable Mr. Sitaramaraju is only this, that the Government should carry on negotiations with the Company and this House should be consulted. There should be an undertaking given by the Government that some sort of settlement is sure to come out of these negotiations, and unless we are assured on this side of the House that some understanding is bound to come, we think it will be simply beating about the bush. My Honourable friend, Dr. Ziauddin Ahmad, pointed out, and we all know already, as to what was the fate of the Assam-Bengal Railway. In case the contract terminates in December 1931, and if the Company does not come to any understanding with us, it is no use my saying that the 50 years' lease is bound to remain where it is. Sir, to say that there is no money and therefore you cannot purchase it, is not right. In the Committee we suggested that some sort of

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arrangement should be made either by floating a special loan for the purchase of these railways, or by means of debentures which may also be floated by the Government of India. I think in that case, instead of these big and fat dividends going to Europe or to other countries outside India, at least the money will remain in my own country. So, although it is a matter for those people who know finance well, still these suggestions from laymen are worth considering, *viz.*, that debentures or some sort of shares may be floated, and the Government should try to buy these railways so that they may become State railways.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I do not want to make a long speech ; but coming as I do from the Rohilkund and Kumaon Divisions and knowing as I do all about that railway,—I have given expression to my opinion about it on previous occasions during previous debates—I think I must speak a word or two now. I would, Sir, very strongly put it to the Honourable the Railway Member to exert all his influence with the Railway Company and to see to it that it agrees to his terms. As it is, the contract expires on the 31st December, 1932 and during this period unless the Company agrees to sell this railway to the Government it might be open to it not to sell it at all in another 50 years. I think the Company will agree to the Honourable the Railway Member's terms and leave it open to us to buy the R. and K. Railway within the next five years. Sir, it is absolutely necessary that the Rohilkund and Kumaon Railway must be bought by the Government, and I need not give reasons for that because there is no difference between that side of the House and this with regard to the reasons. Nor need I go into the various aspects touched upon by Dr. Ziauddin Ahmad in his criticism of the Railway. Many of them were exaggerated and some of them were incorrect.

**The Honourable Sir George Rainy** : Sir, I have only a few words to say at the close of this debate. My Honourable friend Dr. Ziauddin Ahmad suggested that, before the option to purchase finally expired, Government should consult the country. What else, Mr. President, have Government been doing for the last nine months ? We got a committee of the Assembly to express an opinion from the more central point of view, and we got expressions of opinion from the Legislatures of the two provinces concerned from the more narrow local point of view. If that is not consulting the country, I really do not quite know what method the Honourable Member would have us employ.

There are two small points I want to make plain. One is this : we cannot of course be quite certain,—we never can in these things,—whether the Companies will give us the extension of the option that we want or not. I hope they will, but clearly it is not in the power of Government to compel them to do so. The other is, that as far as I can see, it is as certain as anything can be that we shall not be in a position to give notice before the 31st December. My Honourable friend Dr. Ziauddin Ahmad said that the Finance Member should try and collect money somehow or other from somewhere. That is the pursuit in which my Honourable colleague is at present engaged, and I have no doubt that if the reception of his efforts in this House next month is cordial and appreciative, he will do his very best to follow out my Honourable friend's suggestions. But still I must confess to a remaining doubt,—and indeed I am afraid I must say, a remaining certainty,—that do what we will, it will not be possible

in the coming year to get that sum of 12 million sterling in the London market. That is all I need say because I think all the speeches were in support of the Resolution.

I think, Sir, I indicated in my opening speech that I was prepared to accept this amendment.

**Mr. President :** The question is :

“ That in clause (4) the words ‘ as regards the management of the Tirhoot and Lucknow-Bareilly Railways ’ be deleted.”

The motion was adopted.

**Mr. President :** The question is that the Resolution, as amended, be passed.

The motion was adopted.

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### **RESOLUTION *RE* DRAFT CONVENTION ON FORCED OR COM- PULSORY LABOUR.**

**The Honourable Sir James Crerar** (Home Member) : Sir, I beg to move the following Resolution :

“ That this Assembly, having considered the Draft Convention and Recommendations concerning Forced or Compulsory Labour, adopted by the 14th session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention.”

Though this Resolution may at first sight appear to be of a somewhat formidable character, I hope, without detaining the House very long, to be able to convince it that the point involved, though important, is really a very simple one and that in the special circumstances which affect our case in India it is really impossible for us to take any other attitude than that which is set out in the Resolution. I do not intend, except in the most concise terms, to go into the previous history of this question and will deal in a few words with that aspect of the matter.

At the time of the conclusion of the peace when the Treaty of Versailles and the Covenant of the League of Nations were entered into, Honourable Members will recollect, certain territories, which had formerly been in possession of the enemy powers, were transferred under the ægis of the League of Nations to certain of the allied powers under a mandate. These territories were called mandatory territories and they were for the most part inhabited by primitive races many of them in a barbarous condition ; and the practice of slavery or of customs which practically amounted to slavery were either prevalent or were believed by the authors of these treaties to be of such a character that stringent precautions ought to be taken against them. Consequently, it was enjoined upon all the mandatory powers that they should, among other principles of administration, adopt the principle of suppressing the slave trade and slavery in all its forms. I mention that because it is interesting and important at this stage to observe that the Draft Convention which we have at present to deal with arose originally out of a consideration of something totally different ; that is to say, of conditions either actually amounting to or approximating to slavery. A Slavery Commission was appointed, and it reported to the League in 1925 and among other recommendations it made, one was that the principles which they themselves

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arrived at with regard to slavery and forms of compulsory labour tantamount to slavery should be adopted as general international principles. The discussion was carried on for some time on these lines and then was laid before the 12th session of the International Labour Conference, a Report on Forced Labour prepared by the International Labour Office, containing a summary of the legislation and practice concerning forced labour in all countries. A questionnaire was issued and finally the Conference decided to place the question on the agenda for the 14th session of the Conference and to consider a draft Convention.

Now, Sir, at this stage the Government of India expressed its views on the subject. Our views were that we in no way objected to the main principles of the Draft Convention but from our point of view it would be necessary that the terms of the Draft Convention should be very carefully scrutinised in order that they should not be made to cover the kind of compulsory labour or work which is executed in such cases as the criminal tribes' settlements or, for instance, in the case of reformatory schools and certified training schools to which children and young persons are sent under the various Children Acts in force in India. During the course of the discussion, I regret to say that for some reason or other the views which the Government of India wished to impress upon the Conference were not apparently sufficiently clearly expressed. Two of our delegates did indeed point out the essential facts of the case as I have briefly recited here. One of the Indian representatives, either had not completely studied his brief or had completely misconceived the position. It was, however, made clear that if the relevant portion of the Draft were adopted in the form proposed, our practical difficulties would be so great that it would be impossible for us formally to accede to the Convention. Now, Sir, the particular passage in the Draft. The only part which is immediately relevant to the present discussion is as follows :

“ Article 2.—Definition of ‘ forced or compulsory labour ’.”

I shall read only the strictly relevant words :

“ For the purposes of this Convention the term ‘ forced or compulsory labour ’ shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term ‘ forced or compulsory labour ’ shall not include :

- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.”

I must point out to the House at this stage that we must either ratify this Convention wholly or we must decide not to ratify it at all. It is not open to us to ratify with any reservation or qualification, and we must apply the actual terms of the Convention with the strictness of the terms of statutory law. I must, therefore, now ask the indulgence of the House while I very briefly explain to them what is the position with regard to our main difficulty, that is to say, the effect which the ratification of this Convention would have upon the work now carried out among criminal tribes under the Criminal Tribes Act, 1924. The position, Mr. President, briefly is this. Under the Act to which I have

already referred, section 16 empowers the Local Government to "establish" industrial, agricultural or reformatory settlements" and any criminal tribe in respect of which a notification has been issued under section 11 may be placed in any such settlement. The Act further empowers the Local Government to "establish industrial, agricultural or reformatory schools for children". The rule-making power in section 20 empowers Local Governments to "make rules for the management, control and supervision of industrial, agricultural or reformatory settlements and schools" and likewise for "the works on which, and the hours during which persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid", and the like. There is a further provision which is important, section 22, which is obviously essential for carrying on this work. It imposes a definite penalty for breach of the rules on the part of a member of the criminal tribe settled in one of these settlements.

Now, Sir, it is quite clear that when a Local Government takes action under this clause, that is to say, when it first registers criminal tribes, when it institutes a settlement or a reformatory school or the like, it is not taking penal action. That is to say, no sentence is passed on any person concerned. Consequently, though it is necessary that work or service should be exacted, it cannot be said in the terms of the Convention that it is exacted as the consequence of the conviction in a court of law. That is the legal position. But as I have myself always taken a great deal of interest in this work of criminal tribes the House will perhaps bear with me if I endeavour to give them a clearer picture of the facts than the recital of the provisions of law can possibly give. There are at present in India some 61 settlements which have been set up under this Act. They have a population of something over 30,000 people at the present time. In addition to members of criminal tribes who are in settlements formed under sections 16 and 17 of the Act, there are, more particularly in the Bombay Presidency, certain free settlements, that is to say colonies which have been set up by the criminal tribes settlement organisations which are not in any sense part of the settlements actually coming under the Act. This is a question of the reclamation of the criminal tribes, and I hope the House will follow me a little bit closely when I endeavour to explain to them what the intention of this body of legislation is, how it is carried out and what the results so far have been. In dealing with the stages of dealing with the criminal tribes, there are necessarily in the first instance measures of registration and restriction. The second stage is that of institution of settlements, reformatory schools and the like. The third is a very important development, that in which free settlements are formed which pass out to the normal and useful occupation of citizens—a large number of persons who have passed through the previous stages. When I speak more particularly of the work which is being carried out in the Bombay Presidency, I hope that will not be interpreted as any disparagement of the work carried out in the other provinces. I merely wish to give my personal experiences to the House of that which I myself have seen and observed. In the upland plains of the Deccan, as you ride on past the normally settled habitations, you will come across the encampments, large or small, of one of those tribes, may be the Haran Shikaris, the Mang Garudis or the like. They wander about and practise their only means of subsistence which is the habitual commission of crime. Some



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of them mainly make their living by such offences as coining. It is rather an extraordinary thing that primitive tribes of this kind should practise an offence of this character. Nevertheless, it is true. Others make their livelihood by house-breaking, theft and ordinary depredations. Most of them however have some particular form of crime which they have inherited and which they carry on. In these circumstances they wander about, themselves in the deepest depths of misery, penury, squalor and immorality, committing depredations upon the peaceful inhabitants of the country, making themselves an intolerable nuisance and danger to their fellow-citizens and living in the greatest misery themselves. Nothing is more striking, having seen the raw material, than to go to one of these large settlements, at Bijapur for example, or Hubli, and see the results. Instead of filth, instead of crime, instead of immorality, you see people passing through the phases of reclamation which I have mentioned. In these settlements they are taught agriculture and various useful trades ; those that are settled near industrial towns in process of time take their place in the ranks of free labour and carry on the ordinary work of a labourer in conditions very different from those from which they have emerged. What is perhaps an even more beneficent part of this great work are the schools to which the children are sent. It is the invariable practice to attach schools to these settlements : sometimes for obvious reasons children are taken away from their parents and are sent to separate schools. These schools contain provision for the treatment of ailments ; boy scouts and girl guides associations are instituted and what is rather a remarkable fact, as those who have had personal contact with this work can testify, is that the children of these unhappy parents very frequently in these schools show an adaptability and intelligence and quickness to learn a degree greater than the normal population of the country.

I do not wish to weary the House for I have already spoken at some considerable length. But I think that I have said enough to convince Honourable Members firstly that work of this kind must necessarily be carried out under conditions of discipline. What is the real remedy if we are to reclaim these criminal tribes with their long traditions of centuries of living by preying upon the community ? You will not do it solely by police work, by convictions in courts of law, by long terms of imprisonment. There is one way by which you can reclaim these people permanently and profitably both to themselves and to the country as a whole. You must educate them ; you must for that purpose place them under some measure of discipline ; you must teach them useful arts and crafts ; you must enable them to take, as useful and good citizens, their proper part in society. By that process you will not only add to the number of useful citizens, but you will reduce the number of those who are a danger and a nuisance to the community as a whole. The results on the actual criminal statistics of those provinces in which the work has been carried on most intensively are very striking. I do not wish to weary the House with lengthy statistics, but I hope that they will accept it from me that the result of the work now going on in these criminal tribes settlements is to pass out from year to year large numbers of men, women and children who are really qualified to take a useful part in the body politic. The statistics of crime, more particularly of

the kind of crime to which these criminal tribes are addicted, have fallen very effectively, more particularly in the Punjab and Bombay.

But it is perfectly clear that as these are obviously the only sound and sensible and human methods by which this work can be carried out, it must be carried out under discipline. There must be in the last resort some means of enforcing discipline. Consequently we cannot accept the express provisions of this Convention. Either we have to refuse to adopt this Convention, or we have to abolish all this great humanitarian and philanthropic work, the most important work in my humble opinion of that character which is now being carried out in India.

I could speak at very much greater length on the subject of criminal tribes and their methods, but I do not propose to do so as I think I have established my point. It will be apparent to the House that a strict application of the terms of this Convention would operate equally destructively upon the work which is now being carried out in reformatory schools devised for children and youthful offenders. The provisions of this Children Act are designed expressly to avoid the passing of a sentence. These children are sent to reformatory schools; they are subjected to discipline and so forth; but the application of the strict letter of the Convention would similarly prevent this work from being carried out. Therefore it is quite impossible for us to ratify this Convention without the most serious consequences on all beneficent activity. I should like to assure the House that except so far as work of this kind would be interfered with or completely stopped, we have no objection to the general principles involved in the Convention. We are quite prepared to adopt them and to apply them so far as possible provided that our position with regard to these various forms of social enterprise and beneficent activity is left untouched.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Sir, I beg to move that the word "not" occurring between the words "should" and "ratify" be deleted. The Resolution which my Honourable friend the Home Member has just moved relates to the Draft Convention and Recommendations which were adopted by the Fourteenth Session of the International Labour Conference.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

The other Resolution which stands lower down in the list in the name of my Honourable friend, Mr. Shillidy, also relates to a Draft Convention and Recommendation of the same session of the International Labour Conference. My Honourable friend Mr. Shillidy brought his Resolution in the Delhi Session, and on my motion, it was adjourned to this session. I should like in the first place to ask my Honourable friend the Home Member as to why this Resolution was not brought forward in the Delhi Session along with the Resolution of Mr. Shillidy. I will attribute to him no motive that this Resolution has now been brought forward in view of the thinness of the House.

I regret that those of our Honourable Members who took part in the International Labour Conference at Geneva are not here with us to give us the benefit of their views on the subject, like Mr. Joshi. I find that Mr. Joshi and Sir Henry Gidney opposed the Resolution of my Honourable friend Mr. Shillidy when it was brought forward before the House

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in the Delhi Session. But confining myself to the present Resolution, I should like to point out that there is no reason why we should not ratify the Recommendations adopted by the International Labour Conference. India, Sir, is an original member of the League of Nations ; and on humanitarian and other grounds of practical utility, I am of opinion that the draft conventions concerning forced or compulsory labour adopted at the 14th session of the International Labour Conference should be ratified by this House. With your permission, Sir, I should like to point out some of the Articles dealing with the subject.

Article I recommends that each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Now, forced or compulsory labour has been defined to mean " all work or service which is exacted from any person under the menace of any penalty and for which such person has not offered himself voluntarily ". There are certain exceptions to the employment of forced or compulsory labour, and these exceptions will go a great way to meet the objections which have been raised by my Honourable friend the Home Member. The following services have been exempted from the operation of this Convention :

" (a) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character ;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country ;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority ;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war, or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic, or epizootic diseases, invasion by animal, insect or vegetable pests, and so on."

Now, Sir, these are very exceptional occasions on which forced or compulsory labour may be utilised, but we find that in many Indian States as well as in British India forced or compulsory labour which is known as the *begar* system is in vogue on very common occasions. I asked a question on this subject some time back, and I understand that when His Excellency the Viceroy travels by train, villagers are taken out of their homes and are compelled to stand and guard the line, for which they are not paid anything. I do not know whether the visit of a high official could be described as falling in the same category as the visitation of a flood, fire or other calamity. I am of opinion that the use of forced or compulsory labour on an occasion like the one I have described, and to which I drew the attention of the House two or three years ago, should be immediately stopped.

Then, Sir, another Article in these Draft Conventions provides that there should be no imposition of forced or compulsory labour for the benefit of private individuals, companies or associations. Before the employment of forced or compulsory labour, the following points will have to be carefully looked into, namely :

" (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or service is of present or imminent necessity ;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service ; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work, and so on."

It has also been provided in one of the Draft Conventions that only adult able-bodied males, who are of an apparent age of not less than 18 and not more than 45 years, may be called upon for forced or compulsory labour, and that ordinarily they will have to be examined by a medical officer to find out that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out. There is also exemption provided for school teachers and pupils and of officials of the administration in general. Exemption will also apply to the maintenance in each community of the number of adult able-bodied men indispensable for family and social life, and respect for conjugal and family ties. Sir, I do not find in any of the Articles to which I have referred anything to which any legitimate exception could be taken, and my Honourable friend the Home Member has not taken exception to any of the Articles provided in this Draft Convention. Then again the maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days. Now, Article 18 of the Draft Convention provides that forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. What legitimate exception can be taken to a provision like that unless we concede that it is the right of a Government servant, or of any officer for the matter of that, who goes to villages to exact forced labour for carrying his own luggage and other belongings ?

**The Honourable Sir James Crerar :** I am very reluctant to interrupt the Honourable Member. I think his present argument is somewhat beside the point. I pointed out the particular difficulty arising out of the criminal tribes settlements and the analogous case of the Borstal schools. We do not take exception to the other provisions of the Convention though we could not ratify that, because we must ratify either all or none at all, but the other provisions we are prepared to accept and give effect to them, where necessary, as far and as speedily as possible. My Honourable friend has misrepresented my position.

**Mr. Gaya Prasad Singh :** I am glad to have this assurance from the Honourable Member for which I thank him ; but what I want to point out is this, that the objections he has mentioned are for the most part illusory, because some of the objections are covered by some of the Draft Conventions to which I have referred.

Article 25 provides for the illegal exaction of forced or compulsory labour and it shall be punishable as a penal offence. In view of the fact that the Honourable Member generally speaking has not taken objection to the Draft Convention as it stands, I will pass on to the objection which he thinks is insuperable in the way of our ratifying this Convention. He referred, Sir, to the existence of certain criminal tribes settlements in some of the provinces in India under the Criminal Tribes Act.

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Now, the total number of persons on these settlements is about 32,000 or 35,000, but how much forced labour affects the vast millions of persons who have to undergo that. I will not refer to the numerical strength of these people who have settled on these areas in different parts of the country, but I will merely refer to the opinion expressed by the Criminal Tribes Settlement Officer in the Bombay Presidency, and which has been endorsed by the Bombay Government themselves, and it is this. This officer says :

“ I do not know if the existence of the settlements is the only difficulty in the way of the Government of India ratifying the Convention, or the amount of pressure which will be exercised upon it to ratify the convention regardless of difficulties.

If the pressure is serious and if the existence of the Criminal Tribes Settlement is the only difficulty in the way of ratification it is possible that modification in the Criminal Tribes Act might be made to bring the Criminal Tribes Act within the terms of the convention.”

The Honourable Sir James Crerar : That is not possible.

Mr. Gaya Prasad Singh : I will go a little further into the details. What do the Government of Madras say in their report on the settlements in that Presidency ? They say this :

“ In practice, however, the measure of compulsion is very small.

In the three settlements managed by the Salvation Army the conditions of labour are hardly different from those under which ordinary free labourers work..... The wages paid by the Salvation Army are what are usually paid to labourers in the neighbourhood..... They get their usual daily wages like any other labourer outside and no compulsion or force is used.”

In the circumstances, may I know what difficulty there is in our ratifying the Convention ? The Criminal Tribes Settlement Officer of Bombay has made the following remark :

“ If it be agreed that the spirit of article 2 (c) would include persons detained in schools established under Children's Acts or Borstal Acts cannot it also be argued that settlements too are meant as training grounds ? ”

The Inspector General of Police in the United Provinces has made this remark :

“ The settlers cannot be said to be forced to work ; the work is there for them to do but they can if they wish take a ‘ day off ’ and suffer a loss of wages as do labourers elsewhere..... The work in settlements is not regarded as forced labour by the settlers themselves.”

The Government of the Punjab say as follows :

“ In the opinion of the Governor in Council the term ‘ forced or compulsory labour ’ is misleading when applied to the conditions which obtain in the settlements established for the reclamation of criminal tribes. The labour which is done is not for the pecuniary benefit of the employer.”

The opinion which my Honourable friend the Home Member has expressed on this point is somewhat at variance with the opinion expressed by the Government of the Punjab. In Bihar and Orissa there is only one little place in Champaran where there is a small settlement. With regard to the maintenance of these settlements and the work which they are doing, I have nothing, but commendation, but I find that the work is under the supervision of the Salvation Army. I do not know whether the Salvation Army is an organisation of Christians. If it is not, I have nothing more to say. But if it is a part and parcel of the Christian religion, I object in the first place to our people, whether they are Hindus or Mussalmans or belong

to any other community, being subjected to the discipline of a propagandist organisation of a different denominational character like the Salvation Army. There are so many other institutions, philanthropic institutions, maintained by the Hindus and Mussalmans, and members of the other communities, and I object strongly that under the garb of humanitarian work.....

**Mr. President :** Order, order. The Honourable Member's time is up, but having regard to the importance of the subject, I will allow him five minutes more.

**Mr. Gaya Prasad Singh :** Thank you, Sir. As I was saying, there are so many other organisations belonging to different religious communities. I should like at this stage to record my protest against the fact that insidious proselytizing influence should be brought to bear upon our people under the garb of training them to be good citizens of the country.

Sir, criminal tribes are not confined to India alone ; there are criminal tribes in other parts of the world as well, but if there is no such difficulty for the other Governments to ratify this forced labour Convention, I do not know why the Government of India should experience any insurmountable difficulty. India is, as I have said, an original member of the League of Nations. She was a signatory to the Treaty of Versailles, and we are always told that India should not be thought to be lagging behind any other country in the matter of international obligations. So far back as 1921, Sir Atul Chatterjee, in addressing the Council of State, stated as follows :

“ We have just entered upon a new constitutional era in this country. The eyes of the world, of the democracies of every country in the world are at the moment on us. I am convinced that the Council has a full sense of responsibility for the good name and the dignity of India in international councils. We do not want to be considered a backward nation always and for ever.”

It would look rather awkward if India as an original member of the League of Nations fails to ratify this labour Convention on the sole ground that there is in existence in this country a small scattered population which has been termed as criminal tribes. I think that the Criminal Tribes Act could be suitably modified so as to bring it under the terms of the labour Convention. With these words, I move my amendment.

**Mr. President :** Amendment proposed :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted.”

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : I beg to move.....

**Mr. President :** I am not asking the Honourable Member to move his amendment now. The procedure I have suggested is this. Mr. Gaya Prasad Singh's amendment is to ratify the Convention. The original Resolution is not to ratify it. I will put after discussion Mr. Gaya Prasad Singh's amendment to the vote. If the House decides to ratify the Convention, then both the amendments of Mr. Das and Mr. Sitaramaraju fail. If that amendment is rejected, then I will call upon Mr. Das to move his amendment, and after that, if necessary, Mr. Sitaramaraju will be called to move his amendment. That is the only procedure which I think will be suitable in this case.

**Mr. B. Das :** Then I will only say a few words on my Honourable friend Mr. Gaya Prasad Singh's amendment. I thought he would not press his amendment because under the Convention of the International Labour Conference no Convention could be ratified if it was to be modified by the Legislature of any particular country.

**Mr. Gaya Prasad Singh :** I do not want it to be modified.

**Mr. B. Das :** My Honourable friend does not want it to be modified, but I find my Honourable friend the Home Member and the Government of India want it to be modified. Sir, I was a member of the International Labour Conference at Geneva in 1929 when the problems on Forced Labour were discussed in the first session and when these questionnaires were drafted. Mr. Shiva Rao and myself were on that particular Committee, and Mr. Clow represented the Government of India. At that time I never thought nor did Mr. Clow think that the Government of India would raise objections which would not be included in the exceptions to Article 2. But I find in the Fourteenth Session of the International Labour Conference that both Mr. Shiva Rao, who represented the Indian workers, and Mr. J. K. Mehta, who represented the Indian employers, went against the Government of India's suggestion for certain exceptions. The Government of India's representative pointed out that they could not recommend the Assembly to ratify, because there were still laws which were at work, and if my Honourable friends Messrs. Mehta and Shiva Rao thought that those laws should be repealed and thereafter Government of India should ratify the Convention, their proper course would have been to accept these things there, and through their representatives here, proceed to repeal the enactments. Within eighteen months after a Convention is adopted at the International Labour Conference, the Government of each member body must bring it up before its Legislature. To repeal these two enactments, whether through our efforts or efforts on the other side—I know the Government are not willing to repeal those two or three social enactments—it will take a long time and in the meanwhile the Draft Convention on Forced Labour will be shelved. Although I have a good deal of sympathy with what the Honourable the Home Member said, I think even if we ask the Government of India to ratify, they will not ratify because they want certain special exceptions under Article 2 of the Draft Convention. I would rather co-operate with the Government so that certain positive action is taken on this Draft Convention and Recommendations.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion, though for reasons quite different from those advanced by the Honourable the Mover. I am sure that neither the Members on the Treasury Benches nor the Members on this side will sympathise with me in some of my arguments. I stand by myself. A few years ago I took a very great interest in the work of the League of Nations. I thought at one time that perhaps the League of Nations would be able to find out a solution of the minority problem which is troubling the mind of every politician in India. I took a very great interest in the work of the League of Nations Union in London and its Secretary, Dr. Garnett, who happened to be a close friend of mine, introduced me to its literature. I had a long talk with him and he also gave me references to various organisations at Geneva. I went to Geneva and spent three weeks there, not as representative of

the Government and not in any official capacity but purely in a private capacity, and since I could speak French, German and Italian, I had no difficulty in talking with people of all nations from all countries, and I found that the League of Nations was the greatest humbug going. They are trying to do a thing which they are not capable of doing. They have not got the power behind them. Really speaking, there is one good work before the League of Nations now and that will be the test whether the League of Nations is really useful or not. And it is this, at present, America and France have cornered all the gold intended for circulation and left all the nations of the world to look after themselves. If the League of Nations is to be a reality, they ought to have a small authoritative currency committee and it should announce "We don't care anything about gold. We ourselves have made a Convention, that for the value of the paper money, there must be so much gold reserve in the bank". We should then say good-bye to this Convention. I think the exchange value of the paper money of each country ought to be fixed by the League of Nations, so that all the non-gold countries of the world may combine together against the gold countries of the world, i.e., France and America. If the League of Nations will come forward and do a thing of this kind, then I say that is a thing on account of which they can justify their existence. About this particular labour question, I had a talk with the representatives of labour and capitalists, and I found some representatives of labour were really sincere in their efforts. They really wanted to give some relief to labour, but the position of the majority of the people who represented the Government and the capitalists was very different. What they wanted was that the people in other countries should not do sufficient work, so that they may not be able to compete with the countries which manufacture articles. For instance if labourers in Germany did more work than other countries, they would be able to produce articles at a cheaper cost and the other countries would not be able to compete with Germany, and therefore they said that this should be forced on all countries. I went to Germany three times after the war and since I had been a student in German universities I had every facility to enter into the details of this question. Germany was required to pay 175 crores a year for an indefinite period as war indemnity after the war. I asked their representatives in various walks of life how they would be able to pay and they all told me that, by doing more work, for 10 or 12 or even 14 hours a day, they would produce sufficient wealth to pay the war indemnity. The result was that they were able to produce articles cheaply and the other countries were not able to compete with them. India, they all know, is a cheap country. We all know that we have got no machinery, that our labour is not so intelligent as in Europe. If we really want to produce articles at a cheaper cost compared with other European countries, we should not be tied down to 7 or 8 hours. This is all well on paper. This movement is started by capitalists who do not want India to compete with other countries. This movement is not a philanthropic movement. If these capitalists were really sincere, if they had the benefit of labourers in their mind, they ought to have moved an amendment that the labourers should derive proportionate benefit from the wealth which they help to produce. The profit should not go exclusively into the pockets of the capitalists but should be shared by the labourers as well. I told the representatives of labour at that time in Geneva. I tell the champions of



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labour now that if they want contented labour, they should pay a bonus from the profit to every person engaged in a particular trade or factory. If all the profit goes into the pocket of the capitalists, then it is but natural that labour should have some resentment. They will not be inclined to do the same amount of work, as they would be if they got benefit for the extra work they did.

**Mr. B. Das :** My friend seems to be speaking on the next motion to be moved by Mr. Shillidy.

**Dr. Ziauddin Ahmad :** As my friend seems to be anxious to speak, I shall stop here and reserve my other remarks for the second Resolution.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) Mr. President, I am afraid that the Mover of this amendment, the Honourable gentleman from Muzzaffarpore, has not appreciated the difficulties in the way of ratifying a Convention like this. Honourable gentlemen are aware that under Article 405 of the Treaty of Versailles, a condition has been laid down that in proposing these Conventions and trying to apply them to countries other than European countries, due regard should be had to the conditions of those countries. In spite of that direction, year after year, Convention after Convention, has been passed without due regard to the conditions of certain countries whose conditions are different from the European standards. The representatives of both the workmen and the employers who assemble year after year at Geneva made it abundantly clear that the Conventions as drafted at Geneva could not apply *in toto* to the conditions in India. But the rule is that when a Convention is passed, it should be ratified either *in toto* or it should be rejected ; we cannot ratify it half and half. Under these circumstances I was surprised very much to listen to my Honourable friend, Mr. Gaya Prasad Singh, asking us to forthwith ratify this Convention, not knowing what conditions we are going to legislate upon, and what those conditions actually are, and what are the difficulties in our way. I understood the Honourable the Home Member to say that, so far as the principle of compulsory or forced labour is concerned, he was entirely at one with us in saying that there should be no slavery of any kind or degree or form. I must also emphasize the same view, not only to this audience but also to the world outside, that we on this side of the House as well as the Government on the other side are at one now in saying that there shall be no form of slavery in this country. (Hear,hear.) So far as the principle underlying the Convention is concerned, we agree that it should be supported. The Honourable the Home Member said that the definition in Article 2 is such that it is possible to bring under it conditions of service which the Government of India are not prepared at the present stage to give effect to, particularly in view of the fact that the Criminal Tribes Act and other legislation has to be enforced in this country. I am not very much concerned with the Criminal Tribes Act ; but I am concerned with the language of Article 2 which appears to be loose. I shall not be a party to the ratification of this Convention unless I am clearly given to understand what exactly it is going to do and what class of labour it is going to cover. The definition, so far as I can see, is this, that forced and compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty or for which the said person has not

offered himself voluntarily. Now the difficulty is this, that forced or compulsory labour, as I understand it and as I also believe was the intention of the representatives who were parties to this Convention, is slavery similar to that which was prevalent in some colonies where labour was exacted by force and without being paid for. There are forms of service in this country which cannot be strictly called "forced or compulsory" labour, but if this definition is allowed to stand as it is, in its present form, it is very difficult to exempt them from the operation of this clause. Take, for instance, the practice in vogue in the villages in the south, where there are certain communities who are expected to do a particular kind of service without being paid for it. Tradition and custom demands that service. There is a penalty for non-service attached to that custom. It cannot be said that it is a service which the person liable to perform it has himself voluntarily agreed to do. It has been from time immemorial the custom for them to do that particular kind of service without being paid for it. For instance, in the south there are in the villages a certain class of persons whose duty it is, if they belong to a particular community, to drag the cart of the village god through the streets on particular occasions without being paid for it. That is labour which they are bound to do and for which they are not paid. If they do not do that service, then they are liable to suffer the penalty of being outcasted in the village. Then, there are certain kinds and forms of labour performed by the agriculturists in our part of the country, on the farm of the land-owner during certain periods of the agricultural season in a year. It is no part of their written contract, to do that service. The said person cannot be said to have voluntarily agreed to do it. It is incidental to his tenantry. If he does not do it, then there is also a penalty attached to that in that he would be liable to lose the land. Therefore I am afraid the definition as it is drafted would apply to them also. It is clear to my mind that this kind of service should not be treated as compulsory or forced labour. That kind of service would not amount to an abrogation of the liberties of men. I do not think it is the intention of the framers of this convention to bring in that kind of service which is not the kind of slavery prevalent in some colonies which they were anxious to suppress. We are all at one with them in their desire to suppress that. But the difficulty is that we do not know to what extent the operation of such a clause as this can be worked and what practical difficulties it would give rise to. Now that the Honourable the Home Member has given us the assurance that he supports the principle on which this Convention is based and that he will do his best to give effect to as many recommendations as possible under this Convention, I do not see any reason why my Honourable friend, Mr. Gaya Prasad Singh, should think that this Convention should be ratified forthwith regardless of consequences. There was no question that these exemptions should not be exemptions, but the difficulty is, what else should be treated as exemptions; and therefore I say that this amendment should not be supported.

**The Honourable Sir James Crerar :** Sir, I will only say a very few words in reply to the amendment moved by my Honourable friend, Mr. Gaya Prasad Singh. I think his amendment shows some misconception of the position, and I am afraid he has not done me the honour of following my arguments at all closely. He refers to the merits of various other provisions of the Convention. I do not disagree with him there. He

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also suggested that the exceptions under clause 2 were of a character which would enable the work of reclamation and reformation to be carried on. But he entirely failed to realize the cardinal point on this issue which had been emphasised by the Honourable gentleman who has just resumed his seat, *viz.*, that we cannot accept this Convention piecemeal. If then we accept it as a whole, we accept definitely Article 2 ; and if we accept Article 2, we must to a large extent cease our work among the criminal tribes' settlements and the various other schemes. It is quite impossible to amend these Acts—unless the Honourable Member suggests that in order to bring work of that kind within the scope of the Convention, we should pass a law requiring Magistrates to pass convictions either upon the persons confined in the criminal tribes settlements or upon the children there, while the very object of our legislation is to enable them to escape the penalties of a conviction under the law. The Honourable Member has entirely failed to grasp both the legal and the practical part of the question. So far indeed from disapproving or withholding approval from other provisions of the Convention, I am perfectly prepared to accept the amendment of which notice has been given by my Honourable friend, Mr. B. Das, in substitution for my Resolution.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : On a point of information,—was any attempt made by the Government of India delegates at Geneva to lay before the Conference fully the special conditions in India and to have an exemption clause, as they did in the case of the Washington Convention ?

**The Honourable Sir James Crerar** : Yes, Sir,— as regards this particular question, the particular points which I have explained were put by the Indian representatives, but not I fear with sufficient clarity or sufficient force or sufficiently elaborately. Moreover certain other arguments were used, based on an entire misconception of the facts which seem to have misled the Conference. I think they were labouring under an entire misconception as to what we had in mind, what conditions we had to contend with ; in fact there prevailed much misconception from beginning to end. and it is very unfortunate that the views of the Government of India as expressed through their representatives did not prevail.

**Mr. President** : The question is :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted.”

The motion was negatived.

**Mr. B. Das** : Sir, I beg to move :

“ That for the original Resolution the following be substituted :

‘ While considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probational Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable ’.”

**The Honourable Sir James Crerar** : Sir, I am prepared to accept this amendment.

**Mr. B. Das** : But I want still to say something about this Resolution. I was present at Geneva along with my Honourable friend Mr. Chetty.

We both took part in these debates and we found that the Government of India did not help us properly in the matters that we raised at the International Labour Conference at Geneva and we were contradicted. And because the Government of India had the right of reply at the end we could not give them a reply. I then told a delegate of the Government of India, Dr. Paranjpye, that I reserved my right to reply to them two or three years afterwards on the floor of the Assembly. I have got that opportunity to-day and I will do it.

Sir, I will first quote an extract from my friend Mr. Chetty's speech where he made a declaration on behalf of the Indian employers about our attitude to forced labour and also long-term contract labour and about things prevalent in the Indian States. My friend Mr. Chetty said :

"It is a question of national importance because a very large number of our fellow Indian subjects find employment both in Asia and in Africa often under conditions of slave labour. Indian employers therefore stand unreservedly for the complete abolition as soon as possible of every kind of slave labour in the world. We therefore heartily support the work of the International Labour Organisation and of the Conference in this matter, for we are anxious to see labour placed on a free basis throughout the world at the earliest possible moment."

Sir Atul Chatterje who was the leader of the Government delegation refuted that, and subsequently Dr. Paranjpye refuted a similar statement made by me and Mr. Shiva Rao at the International Labour Conference. I will quote Sir Atul Chatterji's speech :

"There is one small point to which Mr. Chetty referred and to which I must make very brief allusion. That is the question of the position of Indian States in regard to the Draft Conventions and Recommendations passed at this Conference. I think Mr. Chetty has overlooked the fact that this is a matter which has received very anxious and prolonged consideration from the Indian Government, and the position was fully explained in a communication made to the Secretary-General of the League of Nations about two years ago."

And I will give you the reply which the Director Mons. Thomas made to this statement of Sir Atul Chatterjee :

"First of all within the framework of the organisation itself there is the problem of the Indian Native States. Will the work partially, but still considerably, accomplished in British India for the protection of labour survive if competitive industries exempt from all social charges develop uncontrolled in the Native States? Mr. Chetty has expressed the concern of the employers; Sir Atul Chatterji has explained the difficulties connected with the introduction of protective legislation in the Native States. He recalled the dilemma with which Lord Birkenhead wished to confront us in 1927. Either the ratifications will apply to British India only or we shall not ratify at all. We cannot believe that this will be a final solution."

I want the House to note this carefully. Mons. Thomas says :

"We cannot believe that this will be a final solution. We believe that we shall receive help from all quarters in the necessary endeavour to obtain a generalisation of just and humane working conditions in the immense communities of India."

Sir, while I am grateful to the Honourable the Home Member for accepting every Article in the Draft Convention except Article 2 as to work connected with the Criminal Tribes Act and similar social legislation and also the Recommendations, I want a statement either from him or from the representative of the Department of Industries and Labour present as to what steps Government have taken since 1929 to bring the Indian States into harmony with India and whether the Indian States have fulfilled the expectations that the Director of the International Labour Conference expressed. I should also like to know what further negotiations have taken place between the Government of India, the High Commissioner and the

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office of the International Labour Conference in this matter. Sir, at Geneva I did point out that I strongly resent that Indian Princes should represent India at the League of Nations and I did suggest that a representative of India should challenge their credentials because they do not allow Conventions that are passed in the International Labour Conference to be ratified in their States. Of course we know that in the present circumstances the Government of India have special power and they have reserved power to deal with the Indian States, but I cannot accept any Indian Prince or ruler as my equal or as my representative in international problems when he cannot accept the conditions of work that are laid down at the International Labour Conference. Sir, I hope I will get a reply, or if the Government have slept over it since 1929 I hope they will proceed further in the matter before the reforms are settled at the London Round Table Conference.

Sir, I did mention at the beginning that I told Dr. Paranjpye that I would challenge him on the floor of the Assembly—although he would not be present here—because he was the mouth-piece of the Treasury Benches at the International Labour Conference and tried to mislead the nations of the world gathered there. My friend Mr. Chetty, Mr. Shiva Rao and myself all alluded to the long-term contract labour to which Indians are subjected not only in Assam, but in the Malay States, in Ceylon, in Africa and other places ; and I made a statement that Indians thus employed do not find humane conditions of living or proper wages. Dr. Paranjpye made a statement which showed that he was not properly coached by the Government of India. Coming from the province of Bombay,—I know it is your province, Sir,—and being, as he has been all his life, engaged in educational activities, he did not know the conditions of labour to which millions of Indians are still subject though these are not under penal conditions. I can never say that these were under penal conditions. But I know these long term contracts by which thousands of Oriya labourers go to Assam and spend all their life their in poverty and want and they cannot save sufficient money to come back even to their homes. I know also thousands of labourers from Southern India leave their native places and go outside India and cannot return to their homes and Dr. Paranjpye showed an amount of ignorance by picturing glowing conditions of labour, and I will ask the Government of India to be more careful in their future choice of delegates. They should not select men who are not properly conversant with Indian conditions. Dr. Paranjpye twitted the Assembly and spoke as a Member of the Treasury Benches in that International Labour Conference. He stood up to refute what I said. He referred to me and said :

“ He said that the Indian workers are vitally interested in this problem because there are millions of workers affected by it in India, in the Malay States, in Ceylon, and in South Africa, and in other parts of the Dominions where their conditions of work are not human. I do wish that he had been more accurate in his statements, for so far as Assam and South Africa are concerned, there are no indentures at present, and penal sanctions have been abolished for several years,”.....

I did not speak of indenture nor of penal actions :

“ and in fact there is no recruitment now ; there is no long term recruitment in South Africa at all. In the case of Ceylon and Malaya, there are no indentures under penal sanctions, but emigration is allowed by the Government of India only on the advice and with the sanction of the Legislative Assembly, of which my friend Mr. Das is a prominent member. In fact, the Legislative Assembly is keen on seeing that any

country to which emigration from India is allowed treats its labourers in no inhuman way, but keeps them in decent and tolerable circumstances."

Sir, these are matters of opinion. Opinions differ, and Dr. Paranjpye knew that it is a human function. I must ask the Government of India not to send their representatives on international work who are not properly acquainted with facts. I think, such choice does definite harm to India. I do not want to quote Dr. Paranjpye's speech any further. But I have one request to make to the Honourable Members of the Treasury Benches. In future, I do not mind the High Commissioner being the leader at the International Labour Conference. But his advisers, both Indian and European, should be persons who are acquainted with the actual conditions of work in India. Otherwise they make statements which at times resemble the bureaucratic observations coming from the Treasury Benches. I am glad that the Honourable the Home Member accepts this amendment. It will save our face before the world and shows that we are bringing humanising conditions to our workers and are prepared to abolish slavery or forced labour in all forms both in British India and Indian States.

**The Honourable Sir James Crerar :** I accept this amendment and I have no further observations to make.

**Mr. President :** The question is :

"That for the original Resolution, the following be substituted :

'That while considering that the Draft Convention on forced labour cannot be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probational Release Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable.'

The motion was adopted.

#### RESOLUTION *RE* DRAFT CONVENTION REGULATING HOURS OF WORK IN OFFICES, HOTELS, ETC.—*contd.*

**Mr. President :** Further discussion of the following Resolution moved by Mr. J. A. Shillidy on the 1st April, 1931 :

"This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations."

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : At the very outset, I desire to say that I yield to none in my desire to see that the employees get that necessary leisure which we all desire that they should have and which is so essential to their well

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being. But this Convention, instead of providing for any great relief to the employees, has provided for a maximum control by Government and minimum relief to the employees. It is not the fault of the International Labour Office that the Convention is as it is, because the original draft which was prepared by them was such that it would possibly, without alteration, have benefited the employees. But the delegates who were representing the Government, as well as the delegates of the employers, have combined together and whittled down the provisions of this Convention to such an extent that we find that this Convention, which provides for some relief to the employees, in fact does not provide such relief as we wish them to have. On the other hand, it provides for the entertainment of a large inspecting staff which must be a great burden to the country to maintain without giving adequate relief to the employees. The number of exceptions are so many that one is tempted to believe that they have become the rule. You know, Sir, that in this country most of the labour is agricultural and there is very little labour employed in commercial offices. Added to that, we have in this Convention the provision that all offices of the Government are exempt from the operation of this Convention, that is to say, all Government offices including quasi-Commercial offices like the Posts, Telegraphs and the Railways are all exempt from the operation of this Convention. Then again, Sir, intermittent workers are exempted from this Convention. It must be remembered that when we passed the Railway Act, 1931, we provided for the intermittent workers also, but under this Convention even the intermittent workers are exempt. Not only the offices of Government are exempt but also offices in which the staff is engaged in connection with the administration of public bodies, such as municipalities and local bodies. Then the third exemption is family business which forms the major portion of commercial business in this country. Then confidential servants who work in trade, and in commercial workshops are likewise exempt. Having made so many exemptions to this Convention, it remains to be seen what is the intention of the framers of this Convention and what are the classes of employees which this Convention is expected to cover. The Honourable the Mover of the amendment, Mr. Joshi—I am sorry he is not present here to-day—made an observation in the course of his speech, that the Government which is given also the power to exempt certain classes of private offices, stated that offices which do not contain more than 50 employees need not be brought under this Convention and that Government have got the power to exempt them. I would like to know to what offices the Honourable gentleman meant the Convention should be applied when he said that as it is possible under the Convention for the Government to exempt small offices they may do so where employees less than fifty in number are employed. I would like to know how many commercial offices there are in this country which have got more than 50 employees in their offices. Therefore, if we take the said exceptions and if we take also the advice of Mr. Joshi, and exempt offices where less than 50 employees are employed we find that the number of offices to which this Convention can be applied will be so small that it would not be worth while to ratify a Convention so limited in its scope. In this Convention overtime is not prohibited. It appears that it is almost impossible by legislation to prohibit overtime. Then there is the question of the minimum wage, a subject which is closely allied with this hours Convention. Some time back there was the minimum wage Convention which was brought before the Assembly. On the motion of Mr. Kunzru

it was postponed for consideration till the Whitley Commission Report was published. I do not know why that has not been brought before the House now because the Whitley Report has been published. That Report has stated that it is not possible for this country to fix any minimum wage. When we have the authority of a commission to state that it is not possible under the present conditions of this country to fix a minimum wage, it is very difficult to see how we can fix a Convention for hours, because wages and hours of work go together. If the option is given the employee prefers more cash even if he has to work for an extra hour or two in the absence of a wage Convention. Under these conditions it is very difficult to pass any legislation fixing hours of work which can be effective in their case. It is a known fact that, even in European countries where there are powerful combinations of employees, it is always found possible to purchase from them these rights by the employers. Here in this country when our labour organisations are in their infancy it is very difficult if a convention of this description is brought into existence to give effect to such legislation. Further, if we ratify this Convention, we have to employ a staff very much like the factory staff, which means a heavy expenditure. In the present circumstances of the country it is very difficult to find the necessary money to employ such a big staff. Mr. Shillidy, the Mover of the Resolution, remarked that village officers may be requisitioned for these purposes. But I am afraid the question of village officers does not arise in this case at all, because as I have already stated big commercial houses where more than fifty men are employed which are to be covered by this Convention will be so few in the country and none in the villages for any inspector to go and check. He has also stated that the local bodies should give their help. I do not think it is possible for the local bodies to give any help of this description. I venture to submit that under these circumstances it is very difficult for us to ratify the Convention, which gives us only Government control without giving any relief to the people for whom it is intended to legislate. With these few words I oppose the amendment and support the Resolution.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I support the original motion ; and continuing my speech in connection with the last motion, in the first place, I would recommend very strongly to the General Purposes Sub-Committee that they ought to retrench substantially if not altogether our subvention to the League of Nations, because as I said it is a society which is not doing very useful work, and the one work which I just suggested I am sure they would not do. As I said in my last speech, the sympathy for labour is not based really on humanitarian grounds, but it is really on account of trade competition. I am really convinced of that from my conversations at Geneva with the people who proposed to represent labour interests. India is a country where living comparatively is very cheap, where people are accustomed to hard labour. Go to any village and you will find that the farmer and cultivator in India is really a very hard working man. Nobody ever came forward among the sympathisers of labour to say anything about the condition of poor cultivators. They spoke about labour in factories and railways, but not a single word has ever been said about the labour employed in agricultural operations, in spite of the fact that they form the preponderating majority. The thing is that if you give an option to any labourer in India and say, " Would you like to have eight hours' work and rest, or would you like to do more work and get a bonus for the



[Dr. Ziauddin Ahmad.]

extra work you do ? ”. I am positively certain that in India almost cent. per cent. will say, “ We are willing to do more work and you will please pay us the bonus ”. The really serious objection is this ; that the poorer people are required to do the extra work not for their benefit, but for capitalists and the money which they earn goes into the pocket of the capitalist. That is the trouble ; but if a portion of the money which these poor people earn also goes into their own pockets, then I am certain that the question will never arise from the side of the labourer. I think the International Conferences at Geneva and elsewhere will do really a very great service to the world if instead of taking up the cause of labour from the point of view of comfort, they press the labour problem from the other side, and insist that the capitalist should be allowed to have a profit not greater than the bank rate of interest in that particular country ; and any profit which is earned over and above that bank rate of interest ought to be shared proportionately by all who help to produce the wealth—the capitalist will have a share, the manager will have a share and the labouring people will have their shares. This is really the point which the people there ought to press and this is the only way which will induce the labourer to do hard work with contentment and try to produce things cheaply in order to stand the competition of the world. If we merely stop the labourer doing full work in one place so that another country may be able to produce cheaper in the world’s market, it will be no help to the country and no help to the labour. It is a very selfish thing to do ; and from what I have seen I strongly oppose it. We have seen this question of the Labour Convention applied on the railways ; it has cost enormous sums of money to the railways ; and I think if they had distributed this sum of money which we are spending on account of the Convention among the people for whose benefit it is made, they would appreciate it better.

**Mr. S. G. Jog** (Berar Representative) : Sir, I am very thankful to the Chair for giving me an opportunity to speak, but I shall not detain the House very long. I am rising under a certain pledge given to the Honourable the Mover of the amendment, otherwise I would not have intervened in this debate at all. On the last occasion when the Resolution was being discussed,—and I must point out that it was discussed at the far end of the session—there was no proper discussion, and it was thought fit that the matter should be discussed at the Simla Session. The Honourable the Mover of the amendment, Mr. N. M. Joshi, has left this as a sort of legacy. I know that generally legacies are left by the dead, but I do not view this legacy in that sense. Mr. Joshi, who is busy with other important work at the Round Table Conference, was very anxious that his amendment should be passed, and in that I feel that a certain sanctity attaches to the Mover of the amendment. On this side of the House we must see that his cause does not suffer in his absence. I am surprised to find that the Government Member should bring forward such a Resolution as this and that he should not be prepared to give effect to the Recommendations of the League of Nations. What are the Recommendations ? The Recommendations are really very small matters. The Recommendations ask Government to make investigation into the conditions of life and work as regards hours of work in the case of employees of hotels and restaurants. In fact, I feel there should have been two Resolutions, but somehow both the Resolutions have been combined into one, and it has caused some confusion. However, I am concerned only with the Recommendations, and

they are that investigation should be made within a period of four long years—there is no particular hurry about it. It is not a thing which is to be reported within two or three months. I know the Government have got a big agency at their disposal, and if they are really serious, they can certainly collect the material. The difficulties which my friend Mr. Shillidy referred to are in my opinion somewhat exaggerated, and that is done with a view to shirk responsibility. The Government agency is very strong. If they want to find what articles there are in my house or in the house of any villager, they can certainly find all that out if they really want to do so, but if they don't want to do anything they can create all sorts of difficulties in your way and say that such and such a thing cannot be done. I do not see any reason why the existing agency should not be utilised for collecting such information which the League wants before taking any further action. This is only spade work, a sort of preliminary or preparatory work ; we are only to collect information before any action is taken. This in short is the recommendation of the Convention, and I see no reason why the Government Member should bring forward any difficulties and lower the credit of India in the eyes of other nations. When we make recommendations there, when our representatives sign the Conventions, they are in a way morally bound, and even the Government of India are morally bound, when their representatives attest their signature to the Convention, and so I think the Government of India should at least make an honest effort to carry out the Recommendations. This, I think, is the position which the Government should ordinarily take. Instead of that, I am surprised to find that some obstructive methods have been adopted by the Government. I believe the Government have taken to Swarajist ways.

**Mr. J. A. Shillidy** (Secretary, Industries and Labour Department) : Sir, I do not think it is necessary for me to make a long speech at so late an hour in the session. I can summarise very briefly the objections to the Convention. They are that the Convention is so wide in its terms, that it comprises a great many different kinds of businesses working under different conditions and that it is not really practicable to devise a convention so wide in its terms which will be practicable in application. The next objection is that it recommends a 48-hour week for those particular offices which are covered by the Convention. Now, in India, so far as factories are concerned, there is a 60-hour week, and for mines a 54-hour week. The Labour Commission after most exhaustive examination have suggested a 54-hour week for factories. Is it reasonable for us to go straight into a 48-hour week for commercial offices when we may still have a 54-hour week for factories ?

Then I come to the third point. If we accept this Convention we should have to put up a very large inspection staff. That point has already been made by my friend, Mr. Sitaramaraju. He however seems to have misunderstood me in one remark. He seemed to argue as if I advocated inspection by village officers. If he will look up my speech, he will find that I said rather the opposite, that unless Government were going to use village officers for this, they would have to employ a very large new inspectorate, but I asked the House if they considered village officers would be a suitable inspectorate for work of this kind. That I think was somewhat different to what he thought I said.

I will just turn to one further point. Mr. Jog raised the question of the Recommendations, and asked why did we not inquire into the different

[Mr. J. A. Shillidy.]

professions to which the Recommendations relate. I think he rather misunderstood the question. The Recommendations are to inquire into the professions named in order to see if the Draft Convention can be applied to them. But if you do not accept the Draft Convention, then what is the use of making an inquiry to find whether that Draft Convention should be applied to other professions or not.

**Mr. S. G. Jog :** Where is the objection to accept it ?

**Mr. J. A. Shillidy :** The reasonable and practicable objection that we have decided to take no action in regard to the Draft Convention.

There is only one other point I would like to make before I sit down. In the course of the debate in the last session, one of the speakers said that the Government of India had been very backward in ratifying Conventions. Now it may interest the House to know that India, with the exception of one country, has ratified more Conventions than any other overseas country—Australia, Canada, South Africa, Japan, China—these are the few names that occur to me; and it gives the pride of place only to Cuba. And, Sir, if anything further has to be said as to whether our work has been appreciated or not, I would just like to read out a few remarks which have been made about the work of India in this connection. The Director of the International Labour Office wrote :

“ I should be much obliged if you would convey to the Government of India the gratitude of the International Labour organization and its great appreciation of the manner in which the Government of India is fulfilling its obligations and of the conspicuous example of social and labour progress which she is thus showing to the world.” (Applause.)

This is a somewhat old report I may say, but I can carry it to a later date. The Director's report further recognises the efforts of India in the following paragraph :

“ The action taken by the Government of India with regard to the ratification of the Washington decisions may be regarded as the just tangible results in the East of the ideals inspiring paragraph 13 of the Treaty of Peace.”

The Belgian workers' delegation in 1927 in supporting the nomination of Sir Atul Chatterjee said :

“ I have another reason for supporting his candidature namely that he represents a distant country which from the beginning of the work of this organization has taken a great interest in it. His country has ratified many conventions, and I see in his nomination a sign of collaboration which already exists between European countries and countries in other parts of the world.”

The Italian representative also supported him because he was the representative of an important overseas country, and “ the first overseas country, I believe, to ratify the Washington hours of labour ”.

**Mr. Gaya Prasad Singh :** Any other testimonial ?

**Mr. J. A. Shillidy :** I have got another testimonial. Miss Bondfield in 1926, speaking at Geneva, said :

“ We do place on record with great thankfulness the improvements which have already taken place in India and Japan as a result of the work of the International Labour Conference.”

And she went on to say later :

“ I wish to join with those who have already appealed to the Government of Japan. Japan occupies a middle position. It is behind what has been accomplished in India and is ahead of China.”

She says again :

“ I trust India in the same way and I feel very relieved to find that India has not let me down.”

I merely make these statements because it has been said from time to time that the Government of India have been very slow in ratifying the Conventions. Here are statements made by impartial people about our work, and I would only remind this House that at the last Geneva Conference the representative of the Indian employers sounded a word of warning that we were going far too fast ; at the same time, the representative of the workers said that we were going much too slow. Sir Atul Chatterjee not unnaturally said to the Conference, that the Government of India was attacked on both sides, and probably it was on the whole fairly well right.

Sir, I have nothing more to say.

**Mr. President :** The question is :

“ That the word ‘ not ’ occurring between the words ‘ should ’ and ‘ ratify ’ be deleted and the word ‘ and ’ be substituted for the word ‘ nor ’ occurring between the words ‘ Convention ’ and ‘ accept ’.”

The motion was negatived.

**Mr. President :** I now put the original Resolution. The question is :

“ This Assembly, having considered the following Draft Convention and Recommendations adopted by the Fourteenth Session of the International Labour Conference :

- (1) Draft Convention concerning the regulation of hours of work in Commerce and Offices ;
- (2) Recommendation concerning the regulation of hours of work in hotels, restaurants and similar establishments ;
- (3) Recommendation concerning the regulation of hours of work in theatres and other places of public amusement ; and
- (4) Recommendation concerning the regulation of hours of work in establishments for the treatment or the cure of the sick, infirm, destitute or mentally unfit,

recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendations.”

The motion was adopted.

**Mr. President :** The only thing that remains now is to consider to what date this session should be adjourned. Honourable Members are aware that the Finance Bill remains to be considered by the Assembly, and Government have given an assurance to Honourable Members that they will agree to the session being adjourned to meet in Delhi, on such date as would enable the Assembly to go through the procedure legally necessary in regard to this Bill. The matter has formed the subject of very careful consideration, and the Chair has tried to consult some of the Honourable Members on both sides of the House. The problem of fixing the date is complicated by the fact that the *Diwali* holidays intervene. It has therefore been suggested that the Assembly should adjourn to the 4th November and take up first the consideration stage of the Finance Bill, which may take three days or perhaps four. Then, there should be a short adjournment for *Diwali* holidays and the consideration of the Bill, clause by clause, should be taken up either on the 10th or the 11th, in order that

[Mr. President.]

the whole process may be completed within the time allowed. Honourable Members are aware that, as soon as a Finance Bill is introduced, certain taxes begin to be collected, and unless the Central Legislature sanctions such taxation within sixty days, the amount collected would have to be refunded. It is therefore essential that both Houses of the Legislature should arrive at decisions in regard to the Finance Bill within 60 days of its introduction. If consideration of the Finance Bill, clause by clause, begins, say, at the latest on the 11th, then there will be only a very few days left to deal with it by both the Legislatures. It is therefore proposed that when once consideration clause by clause begins, the House should meet if necessary during all the six days of the week, and if that is not sufficient, to meet for longer hours during some days. I am sure Honourable Members are agreed that there should be no delay in coming to a definite conclusion one way or the other in time to obviate the risk of being called upon to refund the taxes collected. I therefore take it that the House agrees with me in the programme which I have suggested and that they further agree that I should adjourn this Assembly to the 4th November, 1931, to meet at Delhi. This session is now adjourned to the 4th November, 1931, at 11 o'clock at Delhi.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th November, 1931, at Delhi.





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